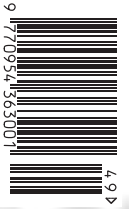


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The Haldane Society was founded in 1930. It provides a forum for the discussion and analysis of law and the legal system, both nationally and internationally, from a socialist perspective. It holds frequent public meetings and conducts educational programmes. The Haldane Society is independent of any political party. Membership comprises lawyers, academics, students and legal workers as well as trade union and labour movement affiliates.

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16 The death of Chris Kaba A timeline by Meghan Curran

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36 Reviews *Show Me The Bodies: How We Let Grenfell Happen*; *The Last Colony* and *A Tale of Exile, Justice and Britain's Colonial Legacy*.

Perilous journeys

Sally El Hosaini's film *The Swimmers* hit screens this month telling of sisters Yusra and Sara Mardini's remarkable odyssey from fleeing war-torn Damascus to Yusra's success competing in the 2016 Rio Olympics. It is an ode to the bravery and humanity of refugee stories.

Most poignant are the 15 minutes of the film dedicated to documenting the sisters' treacherous journey from Turkey across the Aegean by small boat, alongside 18 others. Soon into the voyage, the boat's engine fails. As night falls, the waves churn, relentlessly filling the already strained dinghy with water. Lit only by moonlight, El Hosaini captures the terror, confusion, panic, and desperation as the dinghy – designed to hold no more than eight – begins to sink. To relieve the boat, in an extraordinary act of bravery, the sisters jump into the sea and swim alongside it for three hours until they reach the shores of Lesbos. As they start their onward journey the survivors walk amongst thousands of abandoned life jackets on the beach; each telling of a story just as terrifying as this.

As we await judgment in the judicial review challenging the government's Rwanda policy, in this issue, Wendy Pettifer examines at pages 8-9 the law and policy that have allowed perilous journeys like the Mardini's to become commonplace, noting that the number of people arriving in the UK by small boat has increased from zero in 2018 to 40,000 in 2022. See also Wendy's poem *Small Boats* here, right.

8th September 2022 saw a different story of sisterhood being told, as Shanice Octavia McBean and Aviah Sarah Day, of Sisters Uncut, spoke about the abolition of the police at Haldane's event: *Abolishing the Police / Abolishing the law?* See pages 6-7 for theirs and David Renton's views on why justice requires fewer laws and a smaller state.

The Criminal Bar Association voted to accept the government deal and end its strikes. Brian Richardson argues this was a mistake, that more could have been achieved on pay and defending legal aid.

Matt Foot and Morag Livingston's new book: *Charged: How the Police try to*

Suppress Protest takes centre stage in this issue with Art Badiviku's review at pages 20-21, Michael Mansfield KC's foreword at pages 22-23 and extracts from the book itself at pages 26-31. Joseph Maggs celebrates the Institute of Race Relations 50 years on from its inception at pages 32-35. We also reflect on the deaths of Zane Gbangbola, and Chris Kaba at pages 4-5 and 16-19 respectively.

In the reviews section of this issue [pages 36-38] Nick Bano finds Peter Apps' *Show Me the Bodies, How We Let Grenfell Happen*, to be a judicious, sensitive account capturing 'the most serious crime committed on British soil this century'. Michela Trentin considers the human cost of Britain's colonial legacy as she reviews Phillippe Sands' latest book.

And, as a year of unprecedented hardship draws to a close, Darryl Hutcheon looks back at a wave of union mobilisation and sets out why this shouldn't lead to a complacent approach to the future of trade unionism, see page 10. We hope the new year will bring renewed strength to this end. From all at *Socialist Lawyer*, we wish you a happy and peaceful festive period.

SMALL BOATS

by Wendy Pettifer

Small boats were meant for pleasure
Dipping and diving in summer streams
Larking about on rivers and canals
Laughter skipping cross the banks

Not inflatable dinghies with too many bodies
Rising and falling in deep Channel water
In the sweat stink of fear

Children were meant for lightness and hope
Street corner playing with siblings and cousins
Growing and loving and learning
And dreaming of castles in the warm air

Not clinging to the side of a dinghy
Seeing their parents grow greyer and older
Softly slipping and splashing hands last to go
Under the water

We were all meant for goodness
Born bloodied and crying, arms waving, eyes opening
Ready to fight and to love and to think

Not distanced and demonised
Each one apart in their fear of another
We can do better, reach into ourselves and
Welcome the children pull them from the waves.



Calling out for justice for Zane

On 4th August 2022, Haldane hosted an online event in support of Zane Gbangbola, entitled 'Dark Waters: The truth about Zane and a toxic legal system'. Zane was a seven-year-old boy tragically killed following floods in Surrey in 2014. Zane's parents Nicole Lawler and Kye Gbangbola believe that toxic hydrogen cyanide gas washed out of contaminated landfill during the floods was responsible for their son's death. A subsequent inquest found that Zane died from carbon monoxide from a pump used to clear flood water. The couple have always said that this pump was not in use, and strongly disagree with the findings. The couple therefore believe that the government have failed to investigate this matter adequately, and call for an independent panel inquiry. Such an inquiry has been denied by the government, and the family therefore feel that there has been a failure of the legal system to secure justice for Zane.

Kye, who has been left paraplegic as a result of inhalation of hydrogen cyanide gas during the same incident in 2014, spoke first. He described a litany of failures in the handling of the inquest. These failures included political pressures, perceived



intimidation tactics and cover ups by the state. Kye further highlighted an inequality of arms in the inquest process, with state bodies receiving substantial sums in

Legal Aid, whilst he and his partner were left having to fundraise their own representation. Fundamentally dissatisfied with the handling of the inquest process and the outcome, Kye has collated a dossier of further information and calls for an independent panel to examine it, stating 'all we have ever asked for is an investigation based on the true evidence'.

He explained that 80 per cent of people within this country live within two miles of landfill, and therefore that this fight for justice was everybody's fight. 'No one should be tired of hearing the voices that call out for justice. They should be tired however of hearing that nothing has been done... Zane didn't die accidentally, he was unlawfully killed. The evidence is there that Zane died and the authorities lied.' It was explained how on 21st October, Zane's birthday, campaigners would deliver a petition to Downing Street, to further their

Pictures: © Jess Hurd



Marching to Parliament in October 2022 for the Truth About Zane campaign.



demands for an independent panel inquiry.

Deborah Coles, Executive Director of Inquest spoke next. Inquest is a charity who provide expertise on state-related deaths and their investigation. Deborah explained the routes to challenging an inquest such as judicial review or an inquiry. She detailed how a Hillsborough-style panel process could assist, by bringing together a selection of people with relevant expertise and allowing them

September

5 Criminal barristers in England and Wales begin their first indefinite strike after the government fails to meet their demand to raise legal fees following years of cuts. The Ministry of Justice refused to agree to an immediate increase to legal aid fees of 25 per cent, offering only 15 per cent.

6 The UK's plans to deport people seeking asylum to Rwanda is challenged in the High Court, with claims that ministers deliberately ignored evidence that the east African country had violated human rights, including the right to live free from torture.

'I don't think we should be predicting a sort of Armageddon scenario.'

New Prime Minister Liz Truss. What could possibly go wrong?

14 At Kingsbury about 50 Just Stop Oil protesters staged a sit-in at the oil terminal. In April, the local council obtained a High Court injunction against protests. This week Warwickshire Police arrested people on 'suspicion of the court order's breach'. Since 1st April police have arrested over 1,350 people.

21 A High Court judge grants a route-wide injunction to HS2 to prevent environmental protesters from accessing hundreds of miles earmarked for the controversial route. It is one of the largest injunctions of its kind against protesters granted by a court.

Zane's parents and other campaigners present their petition for an Independent Panel Inquiry to Downing Street.



Guess who said:

'David Cameron famously said [cut net migration to] tens of thousands, no ifs no buts. So that would be my ultimate aspiration.'

'Look at migration in this country – the largest group of people who overstay are Indian migrants.'

'I would love to have a front page of the *Telegraph* with a plane taking off to Rwanda, that's my dream, it's my obsession.'

'Cannabis is a "gateway" drug to more harmful substances.'

'It's the coalition of chaos, it's the *Guardian*-reading, tofu-eating wokerati.'

intimidating and oppressive'. She further highlighted the importance of solidarity, stating 'when we work together, and campaigns join together and we recognise the intersection of the work that we're all doing around truth and justice and accountability, it can shine a really important light on the conduct of the state and public

bodies.' Deborah called for a statutory duty of candor for public authorities, to ensure that they acted transparently, to prevent cover ups and allow for swifter justice.

Nicole spoke last, highlighting the emotional impact that her son's death had had on her and her family. Nicole stated that 'We do very much feel like we walk alone a lot of the time. Zane to the world is just one child but to us he was the world, and we will continue fighting, if we have to, for the rest of our lives.' Nicole stated that they

felt 'stuck in time' and unable to grieve, in the absence of an independent panel to examine the incident. Nicole further explained how their house had been seized by Public Health England (Porton Down) following the incident, and she had been left sleeping on a hospital floor. It was explained how the family were then not allowed home for six months, or permitted access to Zane's belongings. Nicole detailed how they had had to fund raise for their campaign in the street whilst at their most vulnerable. Nicole described how they had now joined forces with other campaigns, and thanked those that had supported them.

Following the event, on 21st October, a petition with 117,000 names was handed to parliament.

● More information on the continuing campaign calling for an independent panel inquiry can be found at: www.truthaboutzane.com/

● The full audio of this event can be found on the Haldane podcast page at: <https://soundcloud.com/user-582426551>

to work together to establish the truth. Deborah stated that there was no better description of the inquest into Zane's death than that used by Bishop James Jones regarding the Hillsborough disaster, whereby 'an institution has closed ranks, refused to disclose information, used public money to defend its interests and acted in a way that was both



27 Sky News is referred to the media regulator after it wrongly suggested that a London protest march over the police shooting of Chris Kaba was a crowd mourning the Queen. Thousands gathered with many holding signs such as 'Justice for Chris Kaba' and 'Black Lives Matter'.

28 Giorgia Meloni, a fascist, is set to become Italy's Prime Minister. Her far-right coalition won 44 percent of the vote, enough to give it control of both houses of parliament. Meloni joined with Matteo Salvini of the anti-migrant League, and corrupt former prime minister Silvio Berlusconi, with the slogan, 'God, Fatherland, Family'.

'This is not a "world-class justice system" ... it is not even functioning.'
Kirsty Brimelow QC,
Criminal Bar Association

28 The High Court accepts a challenge by the Director of Public Prosecutions and rules that judges were wrong to refuse to extend the period defendants could be kept in jail awaiting trial in cases delayed by the criminal barristers' strike.

29 Dalian Atkinson's family criticise the police for taking his life and condemned the justice system for taking six years to complete the criminal trials of the officers involved. The former footballer died in August 2016 in Telford after he was shot with a stun gun and kicked in the head by two officers.

Loud and clear: we're abolitionists

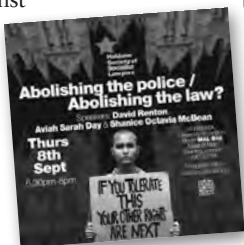
On 8th September 2022, Shanice Octavia McBean and Aviah Sarah Day (both from Sisters Uncut and co-authors of *Abolition Revolution*) met with David Renton (barrister and author of the recent book *Against the Law: Why Justice Requires Fewer Laws and a Smaller State*) in discussion, regarding the issues of abolishing the police and abolishing the law. The event was chaired by Professor Bill Bowring of Birkbeck University and hosted by the Haldane Society.

Shanice Octavia McBean spoke about the colonial origins of state violence where unrestricted violence was used against colonised bodies. This was contrasted with a more tempered (although nonetheless existing) use of state violence on the mainland, and in particular against the labour movement.

Shanice posited that the Metropolitan police did not originate due to civil concerns regarding crime, but rather out of a context of ruling class fears of industrial economic revolution. Shanice stated that the police existed to coerce and control the population, and in particular the working class. It was highlighted that the police's ability to prevent crime was 'atrocious', with the

turnover and clear up rates for all crime in 2020 being the lowest they'd ever been, and 98 per cent of all reported rapists walking free. It was summarised that there were better ways of dealing with societal harm. In particular, public health approaches were suggested as preferable, such as Glasgow's approach to knife crime. Here, public health solutions were offered and the police held at arm's length. Shanice concluded therefore that the police did not exist for their stated purpose and should be abolished, as they were preventing people from building a better world.

Aviah Sarah Day introduced her talk by citing George Floyd's death as an example where if individual resistance to state violence had been exercised, it may not have occurred. Aviah cited how the death of



'Shanice said the police did not exist for their stated purpose and should be abolished, as they were preventing people from building a better world.'

Picture: © Jess Hurd



March 2022: Sisters Uncut protest in London a year after the murder of Sarah Everard.

Sarah Reed, as a result of gendered state violence, had raised awareness of abolitionist politics within Sisters Uncut. Aviah described how Sarah Reed had defended herself in the context of sexual assault in a mental health institution, having previously been subject to police brutality. Sarah Reed was moved to Holloway Prison, on remand, where she subsequently died in her cell, with delays to medical treatment being cited as a contributor to her death. Aviah stated that it was becoming untenable to make arguments to deal with domestic violence through the state, and it was proposed that Sisters Uncut had therefore become a prison abolitionist collective. Sisters Uncut then became involved in the Reclaim Holloway Prison campaign, and campaigned that the site of the prison should be repurposed for community needs (such as public housing and a women's building), and had

occupied the prison for a week. Aviah also detailed the 'heavy and violent' police response to the Black Lives Matter campaigns in 2020. Aviah further explained how the police and state had violently shut down the vigil in honour of Sarah Everard, who had been abducted and murdered by a serving police officer in 2021. Aviah called for those involved in the struggle against the Police, Crime, Sentencing and Courts Act, to join with those in Black and Asian communities, who had been involved in the struggle against state violence and policing for many years. Aviah concluded that recent collective actions had been encouraging, such as recent community interventions against immigration raids, and could be a way forward in taking on a violent state.

David Renton also spoke in favour of a radical approach to the law. David has provided his speech for the benefit of *Socialist Lawyer*

October

1 The Metropolitan Police faces legal action after they refused to police a major central London protest by mothers against the cost of childcare, weeks before it was scheduled to take place.

6 Suella Braverman's plan to stop people entering Britain through irregular routes from claiming asylum, could be in breach of the Refugee Convention, says the United Nations. The Convention has protected refugees since 1951, and its signatories include the UK.

£15.6bn

Value of King Charles' property portfolio managed by the Crown Estate, including large parts of central London such as Regent Street. And don't forget the net assets of the Duchy of Lancaster and the Duchy of Cornwall...

7 More than 100,000 racist hate crimes were recorded in England and Wales in a year for the first time, statistics for the 12 months to March 2022 show. Offences against all minority groups rose by more than a quarter, the largest annual rise since 2017.

8 Just Stop Oil protestors block roads in central London, the latest blockade that has led to 150 arrests in a week of disruption. On the same day the government opens up a new licensing round to allow companies to explore for fossil fuels in the North Sea.



readers, and a summary is here:

'How can we get a society which is fair and sustainable? And to what extent can the law be an ally of that project?

Two hundred and forty years ago when the first of the great slave rebellions began in Haiti, it was obvious that what was at stake was two different moral economies: slavers and slaves.

In Britain, whose industrial revolution had been financed in part by the sugar trade, most of the establishment regarded the sugar planters and the slave traders as an embarrassment. The problem was that they were a significant part of the economy. Property had its rights in law.

So, the transition to a post slavery economy had to be delayed for fifty years while slave owners negotiated with other propertied people. The deal they struck was the 1837 Slave Compensation Act which paid slave owners (not slaves)

£20 million to give up the right to own slaves. That sum was equal to 80 per cent of the turnover of the entire British economy, which today is worth £1.5 trillion.

The oil companies today stand in the same position as the slavers once stood. The seven largest oil companies have already claimed property rights over a large part of untapped oil. If all of their oil was extracted, but none from any other source, it would take us past the global Carbon Budget (to keep global warming to two degrees).

The government's Public Order Bill proposes to criminalise locking on, and to introduce serious disruption prevention orders. Every protest cited by the government to justify giving the police powers was a protest intended to stop global warming and keep people alive.

What though of the civil law, the parts of the law into which left-wing lawyers have traditionally aimed ourselves? Our enforcement mechanisms are the same: courts, judges, bailiffs, the police. The civil law gets repeatedly diverted into certain essential purposes, including the protection of property. The Labour government's Protection from Eviction Act 1977 is, on any left-wing value, a good law. The Act make it a criminal offence for a landlord to evict without due process of law. Some campaign groups provide training for police officers to ask for court orders when called to an informal eviction, and the tenant has had their possessions dumped on the street by the landlord. However, most of the time, the police officers walk away saying, wrongly, "this is a civil matter." Occasionally they arrest the tenant, never the landlord.

'No law on the statute book will deliver workers a pay rise in line with inflation.'

Haven't some laws genuinely made things better? The best way to understand this is through the history of the area with our most developed and sophisticated equality laws: the workplace.

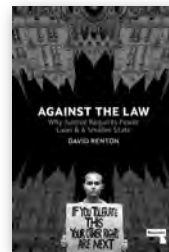
The modern employment tribunal system dates back to the Industrial Relations Act 1971, introduced by the Conservatives. It was passed because politicians sought to defeat a rising workers' movement, and used the expansion of the law and the creation of rights as a package of measures to weaken that cause. Tribunals became a popular means to raise employee complaints since strikes seemed impossible after the defeat of the miners in 1984-5, and as a consequence of anti-union laws. You could draw a graph of the collapse of strike days between 1980 and 1999. After 1989 individual employment tribunal claims predominate. Trade unions are weaker than they were. A far larger proportion of every business's turnover goes today in payments to managers and shareholders than labour.

The employment tribunal has not even delivered protection from dismissal. Studies from the 1960s showed that between a quarter and a third of all dismissed workers who were dismissed, were subsequently re-engaged. Today, fewer than

one in a thousand unfair dismissal claims results in an order for re-engagement. Meanwhile, no law on the statute book will deliver workers a pay rise in line with inflation.

Under neoliberalism there is a system of personal rights in which the individual is allowed to prosper but never the collective. An example is the 'Right to Buy' initiative, begun in the 1980s in order to privatise council homes. The genius of 'Right to Buy' was that it sold privatisation as an individual right. If a person wanted to opt their home out of the collective they could buy it at a massive discount compared to market rates. They could take the council to court if it refused to sell, or it overvalued the house. Neoliberal rights, in other words, are either neutral at best or often directly at odds with any collective project of liberation.

In the great arguments of our own times, socialists have found ourselves too often playing the wrong cards. The right are the populists, the change-makers. We find ourselves having to defend laws we never asked for. It is the right, not the left, which says the state has grown too large and people are feeling powerless as a result. We have to reposition the left as being consistently against the police, against the state, and against the law.'



Against the Law: Why Justice Requires Fewer Laws and a Smaller State

by David Renton, published by Repeater, July 2022. <https://bit.ly/Buy-Renton>

10 Criminal barristers vote to end their indefinite strike and accept the government's deal – a 15 per cent increase in legal aid fees to 'the vast majority of cases currently in the Crown Court', £3m of funding for case preparation and £4m for pre-recorded cross-examinations of vulnerable victims and witnesses.

10 At a rally of the right wing Labour First Group at party conference, Shadow Minister Wes Streeting was relieved that: 'the flag we're flying on conference floor this year is the flag of our own country'. A reference to previous conferences, when delegates had waved Palestinian flags.

'The options are death if we stick with Liz or ridicule. Right now ridicule is preferable.'

A Tory MP spells out the options.

22 A charter airline, Privilege Style, hired to remove refugees from the UK to Rwanda pulls out of the scheme after pressure from campaigners. The Mallorca-based carrier became the UK government's 'airline of last resort' for its willingness to conduct deportation flights that others refused.

27 The Law Society says it will take more than 125 years before black people are properly represented within the England and Wales judiciary, at the current rate of progress to match estimates for the general population.

'No one is illegal'

So declared Mick Lynch, General Secretary of the RMT at a rally on 5th November 2022 attended by upwards of 30,000 thousand protesting against the cost of living crisis and demanding a general election.

It's a well-known call amongst refugee support groups, who are dismayed at the rapid increase of racist rhetoric against migrants, epitomised by the current Home Secretary Suella Braverman's comment on the news on 31st October 2022 that the UK is being 'invaded' by people on small boats, the day after a terrorist attack on the Dover holding facility with a petrol bomb.

I volunteer with Refugee Legal Support (Athens and Calais), visiting Calais on a monthly basis to deliver information sessions to both migrants and French and British NGOs working with them on the current situation in the UK. I understand their desperate need to get to the UK. Many of them speak some English, have family members in the UK, come from former UK colonies. There has been an alarming increase in right-wing racist attitudes towards migrants by rabid reactionary populist led states. Migrants have become scapegoats for the

economic crisis brought about by rampant capitalism and greed. All over Europe they are rendered homeless and destitute, locked up, unlawfully pushed back from Greece to Turkey, from Poland to Belarus, from Spain to Morocco. Post Brexit, the Tory Government has tightened its hostile environment policy.

They failed to anticipate that Brexit would lead to an increase of people arriving in small boats from zero in 2018 to nearly 40,000 in 2022, to realise that without a bilateral agreement with France they would be unable to return people there. Migrant numbers to the UK are very low compared to other European countries, 17 of which receive larger numbers of asylum applications per capita (2021 *Migration Observatory Oxford University*). The UK takes one per cent of the world's refugees. Consecutive Home Secretaries over the last 12 years, instead of

'Home Secretaries, instead of addressing the failure to process asylum applications, fuel racism with their baseless comments.'

Pictures: © Jess Hurd



Brook House detention centre protest against deporting refugees to Rwanda.

addressing the failure to process asylum applications within a reasonable length of time, fuel racism by their baseless comments.

In 2022, we saw the passing of the Nationality and Borders Act 2021 (NBA) into law. This creates a two-tier system for asylum seekers, criminalising those who arrive on small boats, legitimising only those who arrive through resettlement programs offered to tiny numbers from Afghanistan, Syria and Ukraine.

In the year up to June 2022, 76 per cent of refugees in the UK were granted asylum or another form of refugee protection. The NBA also allows for 'offshore' processing of asylum seekers, by rendering it

lawful for them to be sent to an external state for their asylum claims to be processed. The first attempt to send people to Rwanda – a poor African state notorious for human rights abuses – was a dismal failure already costing the Government over £126 million.

The united actions of hundreds of campaigners and 'lefty lawyers' stopped the only scheduled flight to Rwanda on the tarmac in June 2022 after a last-minute injunction was obtained from the European Court of Human Rights. The airline hired for the flights has now pulled out. Hearings in the Administrative Court ended on 11th October 2022, but the date of delivery of the judgment on the

October

28 Police should be banned from using live facial recognition technology in all public spaces because they are breaking ethical standards and human rights laws, according to a report from the Minderero Centre for Technology and Democracy at Cambridge University.

29 Hundred of bereaved family members, friends and supporters protested in central London over deaths after contact with police and state agencies. It was the 24th annual remembrance procession of the United Families and Friends Campaign.

30 Workers Party's Luiz Inacio Lula da Silva – Lula – narrowly beats far right candidate Jair Bolsonaro to become president of Brazil, winning 51 percent of the vote. Bolsonaro presided over deep corruption, destroyed much of the Amazon rainforest and left over 686,000 people to die from Covid.

'Wretched conditions.'

Chief Inspector of borders and immigration, David Neal, after a visit to the Manston migrant processing centre.

30 A far-right terrorist armed with petrol bombs attacks an immigration processing centre in Dover, Kent. He threw three petrol bombs attached to fireworks and reportedly killed himself afterwards. Two of the bombs went off and a fourth was found in his car.



‘The movement against the current cruelty we witness is much stronger than that in support.’

In October 2022, we also saw the UK Government descend into absolute chaos, with no coherent policies about anything, including immigration. Hence Suella Braverman’s statement. An immigration holding centre in Manston, Kent, designed to hold 1,000 people for 24 hours whilst alternative accommodation in hotels is sourced, was holding 4,000 people (in inhumane conditions) as at 31st October 2022. Instead of being treated with compassion and respect, people sleep on mattresses on the floor of marquees with inadequate food and toilets, exposed to cold temperatures, overcrowding outbreaks of diphtheria, monkey flu and Covid. On 19th November 2022, 31-year-old Hussein Haseeb Ahmed tragically died of diphtheria in a hospital in Margate, 7 days after arriving in the UK and being taken to Manston. His hopes of a free life never realised.

In a frantic attempt to reduce Manston numbers, in the first week of November at least 18 asylum seekers were dumped near Victoria coach station in London by a bus which was supposed to take them from Manston to hotels. They had no money, no food and no accommodation and were forced to sleep rough for at least one night.

There is a strong and growing movement, both locally in Kent and further afield, to close down Manston. In pouring rain on 6th

November 2022, I attended a hearty demonstration outside the camp of over 300 people. We shouted support for those incarcerated inside, delivered toys and promised to return. Since then there have been regular visits to Manston by local activists and others. By 16th November 2022, in the face of mounting opposition, fears of a diphtheria epidemic and a proposed judicial review challenge by Detention Action on behalf of a woman who had been detained in Manston for two weeks, the camp was cleared. Three weeks later, there are about 200 people there only staying at most 48 hours. So public opinion was able to sway even this most hostile of Governments.

The solution is obvious. The NBA should be repealed. Government funds should be spent on employing and training a full complement of staff to process asylum claims, some of whom should work offshore in Calais.

Accommodation should be sourced not in hotels, but in subsidised shared housing. After a wait of three months, instead of the current 12 months, if no decision on an asylum claim has been reached, asylum seekers should be allowed to work. After all, there are millions of job vacancies, in hospitality, transport, care services, hospitals, food processing which need to be filled. They would then become financially self-sufficient, and net contributors to the economy. Let us hope that the Labour Party adopts these ideas instead of continuing its complicity with the hostile environment and Tory policies that support it.

Everyone is human! We must succeed.
Wendy Pettifer, retired solicitor; Co chair of the Immigration Committee for Socialist Labour Lawyers; Volunteer Refugee Legal Support for Care4Calais; Haldane International Committee

legality of the flight remains unknown two months later. One of the many key legal arguments is the assertion that Rwanda is not a safe country to which vulnerable migrants can be sent. There is currently a backlog of 120,000 unprocessed asylum claims, leading to Government spending of almost £7 million a day, accommodating asylum seekers in hotels for months.

Caseworkers are poorly paid and demoralised. Instead of addressing this backlog, the Government is rumoured to be attempting to replicate the Rwanda agreement with Belize, Paraguay and Peru, all of which have denied involvement.

Sir Keir Starmer, leader of the Labour Party said:
‘We don’t want open borders. Freedom of movement has gone and it’s not coming back... So that means fair rules, firm rules, a points-based system. But on the other hand, if we need high-skilled people in innovation in tech to set up factories etc, then I would encourage that.’
 At the CBI conference Starmer said Labour and the employers’ **‘common goal’** should be to **‘help the British economy off its migrant dependency.’**



November

30 More than 40 per cent of young people on a Met police ‘Gangs Violence Matrix’ list in Haringey, north London were scored as posing ‘zero’ risk of causing harm, some were assessed as being much more likely to be victims rather than offenders. The Met-wide list mainly includes black males.

6 Three Just Stop Oil activists are pre-emptively arrested after the police claimed they were planning to block motorways. The Met’s Matt Twist said this would cause ‘serious harm to the public’... ‘if you see something suspicious or witness an attempt to cause disruption call 999’.

6 Police arrest more than 23 people who had not actually done anything but were believed to be likely to take part in protests. The charge was ‘conspiracy to cause public nuisance contrary to section 78 of the Police, Crime, Sentencing and Courts Act 2022’ and carries a maximum sentence of ten years in prison.

‘If people choose to enter a country unnecessarily, it’s a bit of a cheek to then start complaining about the conditions.’
 Minister Chris Philp MP

6 Report by HM Inspectorate of Constabulary concludes that defective vetting and failures by police leaders have allowed a ‘prevalent’ culture of potentially thousands of officers who are ‘predatory’ towards women.

Unions lead the way in fighting for economic justice

In 2022, against the backdrop of a brutal cost of living crisis, industrial disputes have broken out across the British economy. Workers in rail, mail, higher education, refuse collection and nursing are among those whose decisions to strike and take other forms of industrial action have hit the headlines.

The raw data published by the Office of National Statistics confirm that, at least by recent standards, this is no ordinary moment. The period from June to September 2022 – the most recent period for which data are available – saw the highest number of strike days in any four-month period since the public sector pension strikes in late 2011 and the second highest in well over 20 years. That is even more remarkable given the extra constraints on lawful industrial action which have applied since the enactment of the Trade Union Act 2016. Yet there is little sign of the wave of action letting up. To the contrary, at the time of writing, the month of December stands to be one of the busiest for industrial action in decades.

Sadly this year's wave of mobilisation does not tell us that workers' interests or redistributive ideals are in the ascendancy. The actions are overwhelmingly focused on defending jobs, conditions and real pay rather than improving them. But they do



Rail unions have struck a chord with the public despite government efforts.

remind us that trade unions still play a critical role in the struggle for economic justice. There are heartening signs, too, that trade unions are striking a chord among the wider public in a way which our hostile media makes it very difficult for them to do.

The best example of this has come in this year's most high-profile industrial dispute – the courageous ongoing struggle of

'It is even more remarkable given the extra constraints on industrial action since the enactment of the Trade Union Act 2016.'

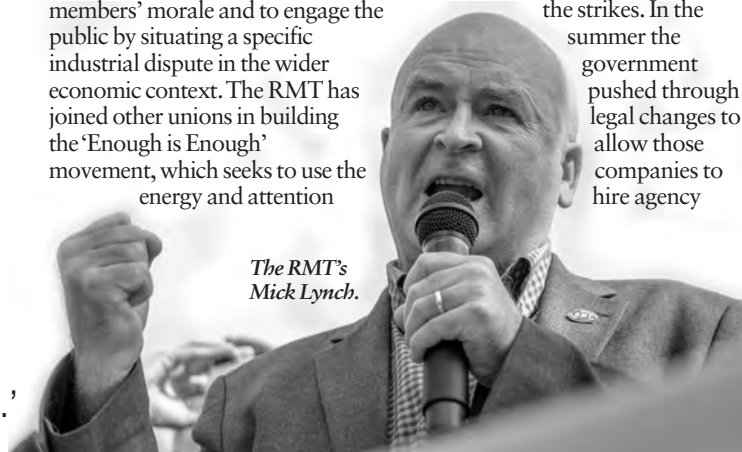
railway workers. Union leaders have pursued shrewd communications strategies, willingly appearing on legacy and newer forms of media, and using their appearances both to boost members' morale and to engage the public by situating a specific industrial dispute in the wider economic context. The RMT has joined other unions in building the 'Enough is Enough' movement, which seeks to use the energy and attention

generated by specific industrial disputes to build broader and more powerful political alliances. And union members have persisted in supporting further rounds of action despite government and media hostility and the obvious financial pressures which they face.

The evidence suggests that, several months into the high-profile rail dispute and despite the disruption to services, most people accept and support the right to strike. In a Savanta ComRes poll released in early November, members of the public were nearly twice as likely to say that they supported industrial action than that they opposed it. The same poll asked respondents whether they would support or oppose various specific categories of workers going on strike in disputes over pay and conditions. There was net support for every category polled, with the single exception of barristers.

Yet the rail dispute has also shown that the Tory government is ever more willing to break with convention to weaken the right to strike. Taxpayer cash has been used to pay the train companies so they suffer no loss of income due to

the strikes. In the summer the government pushed through legal changes to allow those companies to hire agency



The RMT's Mick Lynch.

Pictures: Jess Hurd

November

7 A poll of more than 5,000 people by the Crest thinktank shows that more than half of black people stopped and searched by the police say they felt humiliated or embarrassed. Levels of trust in the police are far lower among black people (46 per cent) than among white people (64 per cent).

17 Avon and Somerset Police has paid damages to protestors who were campaigning against the Police, Crime, Sentencing and Courts legislation and who allege they were assaulted by officers when they broke up the peaceful protest in March 2021.

'I don't recognise that characterisation of him.'

Rishi Sunak defends Dominic Raab from allegations of being rude and aggressive towards civil servants.

20 One in three black people who have experienced homelessness also faced racial discrimination from a landlord, which is six times more than the general population who struggled for shelter, according to research from Heriot-Watt University into racial bias in housing.

25 A former soldier who shot dead civilian Aidan McAnepie at a British Army checkpoint in Northern Ireland in 1988 has been convicted of manslaughter. David Holden became the first army veteran to be convicted of a historical offence since the 1998 Good Friday agreement.

workers to undercut the impact of the strikes. And now they want to change the law again, through a new Bill which would require transport services to maintain minimum staffing levels even on strike days. Nothing gets a right-wing government going more than conjuring up new tools to stop working class people defending themselves.

Moreover, however much encouragement is to be derived from the actions of unionised workers in 2022, no-one should be complacent about the future of British trade unionism. BEIS data published in May 2022 indicates that, after a few years of modest resurgence, trade union membership at the end of 2021 was at its lowest rate on record, at only 23.1 per cent. The demographic challenge also remains, in that more than 40 per cent of union members are aged 50 or over, while less than five per cent are under 25. All of this means that most workers, especially young workers, are not in a position to effectively challenge the attacks on their terms and conditions which seem inevitable as the economic downturn bites.

In sum it is to be hoped that the effective industrial action taken by trade unions in 2022 sets the tone for the current economic crisis and beyond. Joining a union, even in solidarity, is the best thing any individual can do towards that end. There is life in trade unions yet, but they need the workers of the Twitter and TikTok generations, for whom joining should be a no-brainer. There are very few problems at work to which joining a union is not at least part of the answer.

Darryl Hutcheon

29 Justice Secretary Dominic Raab is urged by more than 70 senior journalists and editors (from *The Sun* to the *FT*) to back a law to stop the global super-rich's use of 'aggressive legal tactics to shut down investigations'. Examples of silencing investigative journalists with strategic lawsuits (Slapps) include Roman Abramovich suing Catherine Belton over her book 'Putin's People'.

FLOP 27 – rich countries of the UN fail to deliver again

The major fossil-fuel countries and companies used COP27 as a vehicle for greenwashing and further delay on climate action during the first two weeks of November 2022. This was demonstrated by a report by the NGOs Corporate Accountability, Corporate Europe Observatory and Global Witness, released during the summit, which found that 636 'fossil-fuel lobbyists' had registered for COP27 – an increase of 25 per cent from COP26. If fossil-fuel lobbyists formed a country delegation, they would have been the second largest at the summit behind the UAE.

The number of fossil-fuel lobbyists was also greater than the number of country delegates from the world's most climate-vulnerable countries including Puerto Rico, Myanmar, Haiti, Philippines, Mozambique, the Bahamas, Bangladesh, Pakistan, Thailand and Nepal. It was within this context that developing and climate-vulnerable countries sought financial assistance for loss and damage – money needed to rescue and rebuild the physical and social infrastructure of countries devastated by extreme weather. They had been campaigning on this issue for three decades of the COP process and there was finally agreement on a fund, but crucially the fund must still be set up, and there is no agreement yet on how the finance should be provided and where it should come from. Yet even this modest achievement was weakened by a wider agreement – the 'Sharm el-Sheikh implementation plan' – that excluded any mention of winding down the use of fossil fuels. It also provided little indication that rich countries were serious about scaling up efforts to cut emissions.

The Paris Agreement contained two temperature goals – to keep



Small islands such as this one demand consideration of loss and damage.

Picture: ©Neville Wootton via Flickr

the rise 'well below 2C' above pre-industrial levels, and 'pursuing efforts' to keep the increase to 1.5C. Science since then has shown clearly that 2C is not safe, so at COP26 in Glasgow last year countries agreed to focus on a 1.5C limit. As their commitments on cutting greenhouse gas emissions were too weak to stay within the 1.5C limit, they also agreed to return each year to strengthen them, a process known as the ratchet. At COP27, some countries even tried to renege on the 1.5C goal, and to abolish the ratchet. They failed, but a resolution to cause emissions to peak by 2025 was taken out, to the dismay of many environmentalists.

Since COP26, the Intergovernmental Panel on Climate Change has published the key parts of its latest vast assessment of climate science, warning of catastrophic impacts that can only be averted by sharp and urgent cuts in greenhouse gas emissions. The IPCC was set up by the UN to advise on science, yet some countries wished to remove references to its latest findings from the final text of COP27. This is despite the knowledge that 2022 has seen floods in Pakistan, directly affecting thirty-three million people, as well as wildfires, extreme heat, ice melt, drought, and extreme weather events on many continents.

Whatever is agreed through the

COP process, we know that capitalism can at best mitigate, not end, the causes of environmental destruction because they are woven into the very fabric of the system itself. Genuine climate solutions cannot be based on the very market system that created the problem. Only the organised working classes, and the rural oppressed of the Global South, have the power to end capitalism, because their labour produces and maintains wealth in the globalised economy. Crucially, they have no wealth to lose if the system changes, so they have no vested interests in inequality, exploitation, and private profit.

The climate and biodiversity crisis, and the immediate effects of catastrophic events, impact more severely on women, children, elders, LGBTQIA+, disabled people and indigenous peoples. Future COPs need to put social justice and liberation struggles of the oppressed at the centre of negotiations but, ultimately of course, they will not do so, and they will continue to flop. Only the ending of capitalism itself and its replacement by democratic ecosocialist planned production of energy can guarantee the necessary action to address the climate and biodiversity crisis. We will continue to work with our international comrades to this end. **Declan Owens** Haldane Co-chair and CEO of Ecojustice Ireland

Supreme Court rules against *and* in favour of Scottish independence

The question ‘Does the Scottish Parliament have the power to legislate for the holding of a referendum on Scottish independence?’ was answered by the Supreme Court in the recently decided reference from the Lord Advocate of the Scottish Government ([2022] UKSC 31).

The Scotland Act 1998 (Act) prevents the Scottish Parliament from legislating on matters reserved to Westminster. The Act names the British union and its Parliament as two such matters. Whether an Act of the Scottish Parliament ‘relates to’ reserved matters is decided by looking at the purpose of its provisions and their effect ‘in all the circumstances’.

The Lord Advocate made five arguments in favour of the proposed Scottish Independence Referendum Bill falling within Holyrood’s legislative competence. It would only create an ‘advisory’ referendum and would not affect Westminster’s authority over Union matters. The Bill did not relate to reserved matters in that it would have no legal or direct practical effect. The Bill’s purpose is ‘to make provision for ascertaining the views of the people of Scotland’ and therefore only loosely related to the Union. The effects of the Bill were speculative and it would be inappropriate for the Supreme Court to second guess how Parliament might respond to the referendum’s outcome. Finally,

the Scottish Parliament must be able to canvass its electorate’s views using referendums. The fact that it can debate motions and negotiate with Westminster on reserved matters means that the power to hold referendums on these issues should also fall within its powers.

The Supreme Court unanimously rejected each of these arguments. It held that a referendum, created by statute and part of a lawful, democratic process would have significant political effect regardless of whether it was advisory or ‘self-executing’. The Supreme Court was not required to speculate on Parliament’s response, given that either a Yes or No vote would have important political consequences. The referendum would be of ‘exceptional public importance’ and, in all the circumstances, its purpose and effect would be to question whether the British union should be terminated, with Scotland ceasing to be subject to British parliamentary sovereignty. It was ‘plain’ that such a referendum would relate to reserved matters.

‘A referendum cannot take place without Westminster’s permission, and, if withheld, looks like democracy denied.’



Picture: © Jess Hurd

Will independence be the SNP’s sole manifesto commitment?

The SNP were permitted to intervene in the case and made two further arguments, both based on the right to self-determination found in international law. Domestic law should be interpreted in such a way that ensures the UK does not breach its obligations under international law. The Supreme Court rejected the submission that the principle of self-determination was at issue at all. This right, it held, extends only to ‘external’ self-determination, as in the situation of former colonies or countries under foreign occupation. Outside of these circumstances, self-determination should be achieved within the framework of the existing state.

The second argument focussed on the statutory interpretation of section 29(2)(b) of the Act. The SNP argued that this provision should be construed narrowly to avoid breach of the principle of self-determination. Again, this was rejected. Devolution results in the allocation of powers under the

principle of subsidiarity, the Supreme Court held, but nothing within this allocation infringes any principle of self-determination.

The Supreme Court correctly identified that a referendum, advisory or not, would have political implications for the Union. However, its own decision also has political implications, and these appear to benefit the independence movement. The case could only ever be a win/win for the Scottish Government. In the unlikely event that the Supreme Court had backed the SNP’s position, the promised referendum would go ahead.

But the Supreme Court’s refusal also helps the independence movement. The decision allows the SNP to continue to frame Scotland as a country shackled into lockstep with a self-destructive British state. The referendum cannot take place without Westminster’s permission, and permission withheld looks like democracy denied.

This positioning is unlikely to be

December

1 The Met Police settles a complaint by two black brothers who were stopped, searched and handcuffed outside their family home in east London during Covid in 2020. In the first few months of a lockdown the Met stopped and searched a quarter of all black 15- to 24-year-olds in London.

1 Ministry of Justice requests the emergency use of 400 police cells for the first time in 14 years blaming the barristers’ strike for an acute rise in prison numbers. Prison Officers’ union blames the government ‘for a lack of investment, lack of foresight and austerity measures going back to 2010’.

‘Foolish and unrealistic.’

Howard League for Penal Reform’s Andrea Coomber on MoJ plan to increase the prison population by 25 per cent to over 100,000 by early 2026.

2 Dominic Raab is asked to show mercy to prisoners in England and Wales who remain jailed under Imprisonment for Public Protection scheme (IPP), despite it being abolished 10 years ago. Nearly 3,000 legacy prisoners remain in jail under the scheme.

5 The HM Chief Inspector of Prisons, Charlie Taylor, warns that a lack of prison officers means some inmates are spending more than 23 hours a day in their cells, with a rising risk of reoffending once released.

significantly damaged by Sunak and Starmer moving their parties back to the technocratic centre. The independence and Brexit referendums, as well as the general elections in 2017 and 2019, all showcased widespread dissatisfaction with austerity-driven neoliberalism, an ideology now recrudescing within the Labour and Tory leadership. In contrast, the SNP continue attempts to bolster their social democratic credentials (rent caps, free prescriptions, increased cost of living support, replacing the much-maligned Personal Independence Payment, etc).

Notwithstanding the popular support for the SNP's centre-left reformism, the Scottish Government is flagging. The SNP have been in power for 15 years and are beset by, amongst many other things, internal conflict over gender recognition, justified criticism of their education record, and a long-running scandal on the commissioning of two ferries. Nicola Sturgeon has suggested that at the next general election Scottish independence will be the SNP's sole manifesto commitment. The Supreme Court's decision will help galvanise support for the party by refocussing Scottish politics on the issue of independence.

Shortly after the decision was announced, senior UK ministers were reported as saying that the Tory strategy would now be to 'avoid the issue'. The SNP need not do much beyond pointing at the current state of British politics to justify the need for an independent Scotland. With Labour and the Tories both in denial over the collapsing status quo, further political rupture seems inevitable.

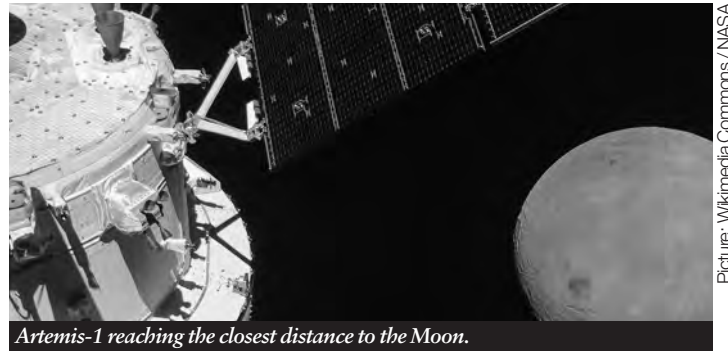
Michael Marshall

Rogue ones: cosmic capitalism takes shape

As *SL* goes to press, NASA's Artemis-1 mission should be concluding with a big splash in the Pacific Ocean, the last stop on the spacecraft Orion's 1.3-million-mile trip around the moon and back. Carrying a crew of three dummies and lots of sensors, Orion has taken some beautiful pictures and recorded a lot of data. Its purpose is to provide information on how the human body will endure such a journey.

Historic precedents have been set over the last few years, though some are more encouraging than others. The People's Liberation Army of China have scored highly for being the first extra-terrestrial horticulturalists, having grown cotton, rapeseed and potatoes on the moon in 2019. American capitalism has the more dubious honour of conceivably infecting an innocent alien with whatever is in Elon Musk's car. According to one expert, the Tesla he spurted off earth in 2018 aboard his rocket, Falcon Heavy, likely carried the 'largest load of earthly bacteria to ever enter space'.

Laboured symbolism aside, Musk's showboating should be recognised for what it is: an arrogant capitalist risking unintended consequences. While the risks are minuscule, if it were to crash it would breach Article IX of the Outer Space Treaty, which mandates states to avoid 'harmful contamination' of 'celestial bodies.' Israel has arguably breached the



Artemis-1 reaching the closest distance to the Moon.

Picture: Wikimedia Commons / NASA

treaty when a ship flying under its flag crashed on the moon in 2019, carrying with it thousands of tardigrades. Unfortunately, as the reality of a permanent presence on the moon approaches, the future of space politics looks set to reflect Earthly dilemmas.

In April 2020, Trump signed an executive order denying that outer space is a 'global commons.' Shortly afterwards, the USA set about creating the Artemis Accords a set of bilateral agreements that enforces a particular interpretation of the Outer Space Treaty; Article II of which reads, 'Outer space, including the Moon and other celestial bodies, is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means.' NASA, and the Artemis Accords, consider that mining resources in space is not 'appropriation.'

There is a worrying sense that

the Artemis missions have charmed enough people into accepting this interpretation without much thought for the consequences. It is undoubted that moon mining comes with great risks. These include the expulsion of dangerous space debris and lunar dust into orbit and that the focus on commercial activity will overshadow general scientific enquiry.

'Cosmic capitalism' is here: The first 'commercial lunar insurance' contract was signed on 17th November this year, and the first completed exchange of lunar regolith for cash – between NASA and whoever is first out of a handful of private companies currently racing to the moon – is set to take place in early 2023. But unlike the key stages of the Space Age to date, pretences at multilateralism are missing. Even if we make our peace with the fact that the moon is going to be exploited, that needs to change.

4 It emerges the Met Police was rebuked by the Information Commissioner's Office (ICO) for video surveillance of a climate strike protest in London in March 2019, attended by 10,000 young people and children.

'Oppressive, unjustified, unlawful and disturbing.'

The ICO on video surveillance by the Met police of the 'School Strike for Climate' in 2019.

4 The United Nations High Commissioner for Refugees criticises a UK report calling for a radical crackdown on people seeking asylum (in which Suella Braverman wrote the foreword), for 'factual and legal errors'. 'There is no such thing as an "illegal asylum seeker"', said the UNCHR.

'A nurses' strike is exactly what Putin wants to see.'

Tory chair Nadhim Zahawi

5 The head of the police watchdog is forced to resign after becoming subject to a criminal investigation into a historical allegation. Michael Lockwood left his post abruptly. He told staff at the Independent Office for Police Complaints that he was leaving for 'personal and domestic reasons'.

A missed oppo

by Brian Richardson

We live in extraordinary and unsettling times. For three years now the world has been dominated by a pandemic that has wreaked havoc with the lives of people across the globe. Quite literally hot on its heels has come a heatwave that further highlights the economic and environmental catastrophe that characterises modern society. It would be churlish to compare an industrial dispute involving a couple of thousand lawyers in England and Wales with those worldwide phenomena. Arguably however the 2022 barristers strike is an admittedly small but nevertheless interesting, sign of the times.

Bitterness, anger and even action over legal aid funding is not new. As long ago as 2009 I was repeatedly advised that there was no future for the Criminal Bar and that I should seriously consider developing a mixed practice. We have campaigned and protested about cuts before. I vividly remember doing so in the spring of 2013. On that occasion both sides of the profession came together at a packed Justice Alliance gathering at Friends Meeting House in central London. Our aim then was to co-ordinate action against the calamitous proposals of the then Justice Secretary Chris 'failing' Grayling. As we left buoyed by a mood of unity, determination and the expectation of media headlines, news was breaking about the gruesome murder of a young soldier Lee Rigby.

In the years that followed we took various forms of action, notably working to rule and withdrawing the goodwill involved in covering our colleagues court cases, the 'no returns', strategy. None of this dented successive governments determination to destroy legal aid, so the system continued to collapse. By 2022 criminal barristers fees under the Advocates' Graduated Fee Scheme were 28 per cent lower in real terms than 20 years previously.

Finally, we decided that enough really is enough. After initially revising 'no returns', members of the Criminal Bar Association (CBA) voted overwhelmingly to go on strike. Not only was this decision unprecedented, the action was increasingly militant. The vote was for a strike which escalated gradually from an initial two days to a full five days every other week.

It is worth reminding ourselves that the CBA is not a trade union with all the rules, established practices and resources that this entails. In the past the fact that most of us are self employed led to widespread concern that we could be picked off individually for taking so called 'concerted action' in breach of our



'After initially revising "no returns", members of the Criminal Bar Association voted overwhelmingly to go on strike. Not only was this unprecedented, the action was increasingly militant.'

professional obligations. As it happens when our action began there was some suggestion that the then Justice Secretary Dominic Raab had demanded that the names of those refusing to attend court should be noted and reported to the Ministry of Justice (MoJ). The MoJ beat a hasty retreat when the CBA threatened legal action.

Far from being cowed by this attempt at intimidation and the government's intransigence our resolve was strengthened. Raab stubbornly refused to meet with the leadership of the CBA. Instead as Boris

Johnson's government imploded, a rookie junior minister sought to impose an inadequate settlement which took no account of our demand that any fee increase should cover the huge backlog of cases that has built up. Our response was another overwhelming vote, this time for all out and indefinite action. Moreover it was timetabled to begin on the very day that the Tories announced Johnson's successor.

In marked contrast to the 'traditional' trade unions, that resolve was not weakened by the death of the Queen. Instead of bending to any suggestion that we should suspend the action during a period of national mourning, barristers upped the stakes as planned. Not only did we proceed with the strike, we also continued with the weekly public protests outside courts which had been such a prominent and effective feature of the campaign throughout the summer.

It was precisely this unwavering determination that forced the newly appointed Justice Secretary Brandon Lewis to the negotiating table. The key elements of his revised package were a 1.5 per cent fee

rtunity



increase on existing as well as future cases, funding for certain types of hearing for vulnerable witnesses in Crown Court cases, payment for areas of written work not previously funded, an increase in fees for Youth Court work and the establishment of a Criminal Legal Aid Advisory Board.

In light of subsequent events, many CBA members will no doubt have breathed a sigh of relief that we voted to accept this deal. As we now know, within two months Liz Truss's government had collapsed. Lewis was given his marching orders by the new Prime Minister Rishi Sunak. Meanwhile Raab was appointed as Sunak's deputy and sent back to the MoJ. As I type these words he is under investigation for alleged bullying, so how long he will remain is open to question.

Undoubtedly the settlement represented a major climbdown and was a vindication of the decision to take strike action. As such therefore some vital lessons have been learned that should be remembered in the future. In particular there was a real feeling of camaraderie and solidarity expressed both in the national zoom meetings and on the

public protests. This helped to break down the notion that ours is some hallowed profession and instead harboured a more realistic sense that the predicament of very many is as precarious as that of other working people. This time around the predictable claims by Tory politicians and sections of the mainstream media that criminal barristers are privileged fat cats failed to cut through. Those of us who had struggled as designated 'key workers' to keep the system going during the coronavirus crisis were in no mood to take lectures from those that had partied through the pandemic.

The offer was not one to be sniffed at but a sizeable minority of us rejected it and rightly so. We were facing a government that was, and remains, weak and divided. The criminal justice system (CJS) remains on the brink of collapse with the backlog of cases caused primarily by previous cuts but

exacerbated by the pandemic standing at over 60,000. In addition, without the goodwill of barristers it is simply impossible to implement MoJ reforms and priorities. In short and just considering the court system alone, there has never been a more opportune moment to strike.

Added to this is the wider cost of living crisis that has forced other workers to take action. This was already the case when barristers first struck. Indeed, on the day of our very first protest, those of us present outside the Old Bailey enthusiastically welcomed striking rail workers. Their dispute continued as 2022 drew to a close. Since then a wave of strikes across the public sector has led to what is being widely characterised as a new winter of discontent. Amongst those taking action are Public and Commercial Services members who work for His Majesty's Court Service (HMCTS). Arguably therefore criminal barristers should have stuck to our demand for a 25 per cent fee increase, dovetailed with solicitors, linked up with HMCTS staff and brought the entire system to a halt.

Those that rejected the deal included the vast majority of barristers under seven years call, some of whom earn little more than £12,000 per annum. Having been so frequently pushed to forefront of the public protests they felt betrayed by the retreat from the 25 per cent demand. Over 300 had quit criminal practice in the previous year and it is likely that this will continue. The inevitable consequence of this will be a reversal of the limited improvements we have witnessed in terms of diversity and wider representation. Women, Black, Asian and working class barristers will be forced out. Meanwhile those that are able to surmount the many hurdles they already face will opt for other areas particularly if they have student loans and the continuing costs of the economic crisis to pay.

That in turn will have a knock on effect in terms of the representation available to those that are dragged through the court system. There is a very real danger of an increasing return to a situation where the rich, powerful and privileged at the Bar and on the benches preside over the fate of the poor, marginalised and dispossessed.

The CBA ballot result announcement began by saying that 'The criminal justice system sits on a cliff edge...and

remains chronically underfunded.' That being the case, the CBA should have held out for a far better deal. Barristers pay may have been at the heart of the dispute and important gains were made, but so much more could have been achieved in the defence of one of the pillars of the welfare state. Ultimately therefore, doughty though our struggle was, this was a missed opportunity.

Brian Richardson is a barrister at Nexus Chambers



Pictures: © Jess Hurd

Pictures: © Jess Hurd



The death of Chris Kaba: A timeline

by Meghan Curran





On Monday 5th September 2022, Chris Kaba, a 24-year-old unarmed black man, was shot dead by the Metropolitan Police. As the inquest into his death continues, a timeline of events leading up to and following his killing has emerged. Mr Kaba, who was due to become a father in November and marry his fiancé in 2023, died in the early hours of Tuesday 6th September.

Monday 5th September:

At approximately 09:30pm Chris Kaba left his mother’s house in Peckham, driving in an Audi vehicle.

09:52pm: officers began following the Audi.

10:07pm: officers did not activate their lights or sirens while following the vehicle.

At around this time, Kaba

made a left turn from New Park Road onto Kirkstall Gardens. Eyewitnesses described seeing Kaba pursued by two unmarked police cars as he turned off into Kirkstall Gardens.

An armed response vehicle (ARV) was already situated in Kirkstall Gardens. Officer NX121 was inside the marked ARV.

Officers then used an ‘enforced stop extraction’, whereby they deliberately collided with Kaba’s car to force it to stop. Armed officers exited their vehicle to perform an ‘inline extraction’ and approached the Audi. Witnesses reported hearing armed police shouting ‘Get out of the car’. It is believed that NX121 stood in front of Kaba’s vehicle and fired a single shot, which pierced the >>>

>>> windscreen and struck Kaba.

At around this time, it is believed officers called an ambulance.

Tuesday 6th September:

12:16am: Kaba is pronounced dead at King's College Hospital.

The IOPC said a detailed search of the scene and the surrounding area was completed recovering no non-police issue gun.

Wednesday 7th September:

Kaba's family release a statement calling for a murder investigation, questioning whether his life would have been 'cut short' were he not black.

Friday 9th September:

The IOPC launch a homicide investigation into Kaba's death.

Saturday 10th September:

Thousands of protestors march through Whitehall to New Scotland Yard demanding justice. They are led by Kaba's family, who give speeches outside the Met headquarters.

Monday 12th September:

It was reported by the Met Police that the officer responsible for firing the fatal shot had been suspended from frontline duties.

Friday 16th September:

The IOPC report their investigation will examine whether race was a factor in Kaba's death.

Saturday 17th September:

A national day of action took place, with thousands taking part in protests in response to Kaba's killing.

Tuesday 4th October:

The inquest into Kaba's death opens.

Saturday 29th October:

Kaba's family joins the relatives of men and women killed in police custody, and thousands of protestors, at the United Friends and Families Campaign (UFFC), including the families of Oladeji Omishore and Sean Rigg.



Friday 18th November:

Following Rishi Sunak's failure to respond to a letter from the family, Jefferson Bosela, Kaba's cousin, gives a speech: 'I think Rishi Sunak doesn't care about the people. I think if he did, he would have responded to the letter. We came to Downing Street to remind him, 'Mr Prime Minister, can you speak?', but he still hasn't spoken. We're waiting for an acknowledgment to exist'.

Wednesday 26th November:

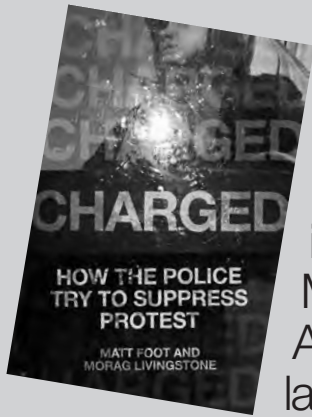
Days after his fiancé gives birth to his daughter, Kaba's funeral takes place in Croydon.

At present, the inquest is continuing, but profound questions remain. As Bosela asked on the first day of the inquest: 'how can a young man, sitting in a car, unarmed, be shot in the head by police in London in 2022?'





Pictures: © Jess Hurd



In November 2022 we promoted an important new book by Matt Foot and Morag Livingstone. Reviewed below by Art Badivuku, we also report on the launch meeting and print extracts.

‘Routinely violent’: policing protests

Charged – How the Police Try to Suppress Protest

by Matt Foot and Morag Livingstone / Verso Books / 336 pages

‘Considering these protests collectively, rather than just as individual events, widens our understanding of public order policing to reveal the true nature of the state.’

In 1981, spontaneous uprisings erupted across several cities and towns in England in working class areas with significant Black and Asian populations, as a response to high unemployment and racism – and in particular, racist policing. An Inquiry was commissioned by Conservative Home Secretary Willie Whitelaw to look into the reasons for the ‘serious disorder’ seen on the streets of Brixton in April, which would later spread to Toxteth, Moss Side, Handsworth and Chapeltown. The Scarman Report, published later that same year, was critical of stop and search and admitted incidents of ‘harassment and prejudice amongst junior officers on the streets of Brixton’. It recommended greater ‘community policing’ to combat ‘the general mistrust that communities’ (particularly Black and Asian people) felt towards the Police.

Whilst publically welcoming the somewhat liberal recommendations of the Scarman

Report, the Home Secretary was privately boasting to a newly published manual that would change the face of British policing forever. In 1983, in close collaboration with the leader of the Association of Chief Police Officers (ACPO) (the precursor to the National Police Chief’s Council), the Home Secretary secretly approved military-style tactics for the policing of public order through the publishing of ‘The Public Order Manual of Tactical Options and Related Matters’. The manual was highly confidential and only to be seen by senior police officers of ACPO rank. The manual ‘redefined what amounted to reasonable force by the police’ and ‘opened the door for the police to go beyond a ‘traditional method of policing’.

Matt Foot and Morag Livingstone’s book is detailed, extensively researched and very readable. It is broken up into twelve sub-chapters, each dealing with a specific protest movement and/or event (three of which we highlight in this feature, with images and quotes from the text). It runs chronologically and explores how the police were able to sharpen their skills under their new powers to better combat protest movements over time, beginning with the Warrington strikes led by paste-up artists in 1983, and concluding with

analysis of the anti-fees student movement in 2010. Whilst the focus of the book is how the police suppress protest, it is also a very engaging bottom down account of different movements that many (particularly younger socialists – myself included) may not be familiar with. These include the Wapping Dispute in 1987 led by newspaper printers that worked for Murdoch-owned media titles, the Welling anti-racist protest against a British National Party (BNP) ‘bookshop’ in 1993, and the first reported ‘kettling’ incident at May Day demos in London in 2001.

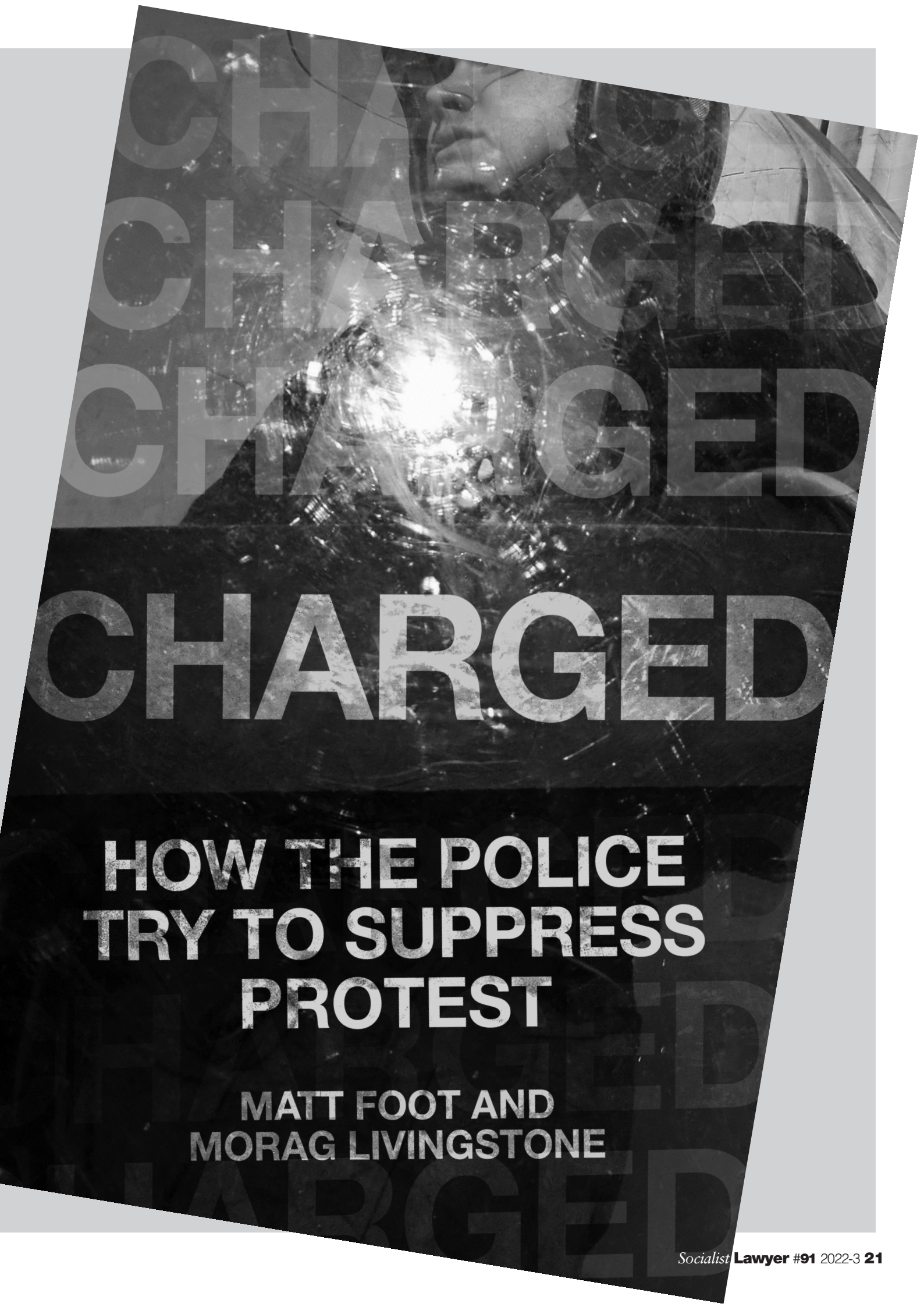
Underpinning the book is the argument that the policing of protest has been conducted in a ‘routinely violent way’ since at least 1981. The book is timely. The foreword (see pages 24-28), written by Michael Mansfield KC, highlights recent events to underline that the purpose of the book is less to analyse historical events, and more to place modern British policing in its rightful context.

The authors also explore the overlap between the increase in police powers under the ACPO regime with Thatcherite anti-trade union legislation, as well as the way in which the Home Secretary, the police, the civil service, the media, and in some cases, the judiciary, have

collaborated to crush popular movements. The usual public facing line from the police and the state is that the police deal with operational issues independently – however, we see how a strong collaboration developed behind the scenes, enabling movements to be suppressed and for police to avoid scrutiny. The authors report how ‘a national police force was created for dealing with public order while at the same time the... Government legislated to make it more difficult for people through their trade unions... to act collectively.’

Matt and Morag’s book is a concise and engaging document that will be an excellent tool in the armoury of movement lawyers and socialists who wish to better understand the role in which the state and its police forces work closely to undermine mass movements. The book does, however, end on a positive note. Using the BLM movement in 2020 as an example, the authors highlight how 40 years of violent policing have done little to halt the desire of people to organise through collective action. *‘The long history of protest confirms that dissent always returns despite attempts by the state to suppress it.’*

Art Badivuku



CHARGED

HOW THE POLICE TRY TO SUPPRESS PROTEST

MATT FOOT AND
MORAG LIVINGSTONE

‘May the force be with them’



If there's any solace to be found in times of crisis, it is in the placards, banners and jokes of friends and strangers taking to the streets together to demand better. But as capitalism has developed, so have its police; it is therefore key that socialists understand the tools and techniques modern Britain uses for reactionary ends. Thanks then to Matt Foot and Morag Livingstone for their new book, 'Charged: How the Police Try to Suppress Protest'. To mark its publication, the Haldane Society convened a panel of distinguished guests to share their experience and explore the shocking stories of triumph and violence the book explores.

The event began with chair of the panel and Haldanista stalwart, Brian Richardson, summarising the history of the society and some of our recent activities (keep your ears pricked for more podcasts,

including a recording of this event). Having been at many of the protests documented in the book, even he was shocked and alarmed at what it documents. A short film compiled by Morag depicted scenes from the Orgreave debacle and its aftermath before the panel took their turns in reflecting on the book.

Firstly, Livingstone herself explained the history with which the book begins. In the early 1980s, the Home Office and the Association of Chief Police

Officers (ACPO) set out to 'redefine normality'. They wrote a secret manual that endorsed brutal tactics and euphemistically called it 'public order' policing. 'May the force be with them', noted a Home Office official signing off on the document.

Next at the podium was President of the Haldane Society, Michael Mansfield KC, whose professional role in advancing our understanding of how the police suppress protest cannot be overlooked; it was under his cross examination whilst defending the picketers of Orgreave that the ACPO manual came to light. Among the many lessons he could draw from that professional experience, one theme in particular recurred throughout the rest of the evening: humour is a weapon.

The story he told might be familiar to some readers: during a





Speakers (left to right): Lois Austin; Ben Smoke and Jeremy Corbyn.

picket near Christmas 1984, the miners crafted a snowman of one of the officers. A colleague, Mr Nesbitt, used a tactic from the ACPO manual and drove his Range Rover at the picket line to destroy the snowman and scare the picketers. Unfortunately for him, the car smashed into a concrete bollard concealed by the watery cop. The car was totalled, and Nesbitt became known as ‘Nosebit’ from then on thanks to a luckless injury incurred.

Following Mansfield was Lois Austin, a lifelong socialist and anti-racist currently organising with the Campaign Opposing Police Surveillance. She has a storied history of organising against racist state violence and found the book a ‘trip down memory lane’: ‘we were beaten, spied on, we were kettled; some of us in this room have suffered abuse and brutality over decades.’ Her passionate and humorous interjection covered her frontline experience of police riots, lies and spies from driving the BNP out of South London in the 1980s, to the police’s appalling activities following the murder of Stephen Lawrence, and concluded with reflections on the demonstration of May Day 2001, when she first encountered kettling (Austin laughed as she noted that she is the eponymous claimant against the UK in the ECHR case which challenged the police’s actions that day). It is clear why kettling was used that day: the state needs to frighten young radicals from pursuing anti-capitalism.

Matt Foot followed on by circling back to the ACPO report

and the new era of tactics it introduced. He noted that it was only following a report compiled by the Haldane Society looking into the Wapping Dispute that 26 police officers were charged for perverting the course of justice: ‘You finally felt like the police were going to be held to account. And then... the judiciary got involved.’ Thinly veiled bias on the part of magistrates like Ronald Bartle (a former Conservative candidate) kept cops from the dock and the struggle for justice continues. Matt concluded by emphasising the title of the book: the police can only *try* to suppress our protests. His and Morag’s work demonstrates that people have won despite the state’s attempts.

Activist and writer Ben Smoke then reflected on his experience as one of the Stansted 15, remembering that when the ridiculous charges under terrorism legislation were thrown at them, he named it ‘a dark day for protest’. He also remembered how much of a

great time he had at a string of festivals shortly after, given that there are at least some jokes to be had out of being daftly labelled a terrorist. He concluded soberly, ‘We stand at the precipice of converging crises ... and we have no ability to affect the machinations of power without protest... that is why they are clamping down and that is why every one of us should be fighting with everything we have.’

Last but not least was Jeremy Corbyn who reflected on his own experience over the years, noting with humour and acuity the necessity of getting on the streets and demanding better. ‘Our mainstream media will always seek to disempower us and say our protests are futile, but every single one of the civil and political rights of our society have been the result of the bravery of protestors.’

● Follow Haldane on Soundcloud or Apple podcasts to listen in full, and thanks to all those involved in bringing the event together, in particular Saskia O’Hara.

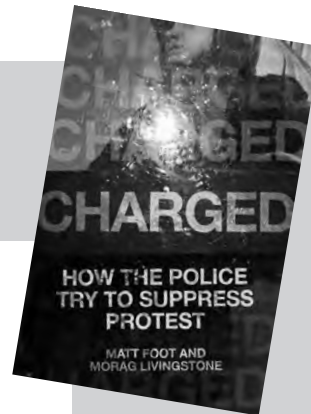
Pictures: © Jess Hurd





Foreword

by Michael Mansfield KC



Picture: © Jess Hurd

Be warned. This carefully researched book shocks and alarms. Never has such a work been more necessary. If you thought you knew, you don't. If you thought you were safe, you aren't. And if you thought you could leave it to others – you can't.

The 'it' is one of the core values of our diminishing democracy – the ability, the right, the freedom to gather together in a public space in order to express collectively a statement about issues which are of concern. This is a broader concept than the oft-cited right to peaceful protest, because it is one of the few ways in which solidarity and community can share a common purpose or cause.

Not everyone wishes to exercise this right until they realise, suddenly, it's no longer there when it matters most. It might make sense therefore to read this piece as an afterword rather than a foreword, because that is where we're at right now. This book's singular narrative unravels, step by step, the incremental erosion of freedoms, and the duplicity and determination of successive governments to suppress the perceived threat posed by public demonstration. There is but one inevitable and inescapable conclusion: that the treasured sentiments in the preceding paragraph constitute no more than lip service in the mouths of authority, and worse are at the point of extinction.

This is no vacuous hyperbole.

The British approach, at least domestically, has been a slow burn. Small, focused changes and empowerments, secreted in among a myriad of other criminal justice proposals, a bit here and a bit there. Always justified by so-called exigencies of the moment. The coronavirus legislation provides a recent fine example of how peaceful protest imperceptibly vanishes. Not far behind is the Police Crime Sentencing and Courts Bill 2021. Once again, the preface to this bill contains the routine ritual mantra: *Protests are an important part of our vibrant and tolerant democracy. Under human rights law, we all have the right to gather and express our views.*

It will surprise no one that there is a massive 'BUT' which comes after this quote, which cites the element of disruption, and then suggests that the police do not always 'strike the right balance', sometimes tipping 'too readily in favour of protesters when – as is often the case – the police do not accurately assess the level of disruption caused, or likely to be caused, by a protest'.

Such an observation is surreal – demonstrators being treated favourably!

Tell that to Alfie Meadows, the student who suffered serious head injuries in December 2010 from a police truncheon when he was on a tuition fees demonstration. Police injured dozens of others along with him with many

more trapped on Westminster Bridge in dangerous and freezing night-time conditions by a deliberate police manoeuvre to humiliate and intimidate during a 'kettling' exit strategy.

Tell that to those suffering head injuries in Bristol in 2021 during a protest against the new bill.

Or the women taking part in a vigil on Clapham Common after the death of Sarah Everard.

Or those who stood in solidarity with the 2020 Black Lives Matter movement. Or the others you will meet within the pages of this book.

The rationale and justification for draconian change, therefore, is a grotesque distortion. Instead, it is entirely consistent with a general approach by government ministers who have no regard for the truth.

Once you turn your attention to the 2021 proposals themselves, seen as they now can be against the background of pre-existing powers, policies and practices clearly set out in this book, it becomes abundantly obvious that we are indeed witnessing the near extinction of the right to protest and are close to seeing the views of the protesters criminalised as well.

Put as bluntly as possible, the bill embraces a much wider ambit for the exercise of police powers to restrict processions, marches and assemblies. Failure to comply with a police order will constitute an offence, providing you knew about it or – more ominously – ought to have known, rendering you liable to imprisonment of up to ten years.

Following a series of votes in the House of Lords against sections of the bill, it was returned to the House of Commons. The government's aim has been to introduce prohibitive conditions that can be imposed where a senior officer considers that the 'noise' generated 'may' result in serious disruption to the activities of an organisation in the vicinity, and 'may' have a relevant 'significant impact on people in the vicinity'. 'Significant impact' is assessed by a senior officer in terms of whether it 'may' result in intimidation or harassment, or 'may' cause serious 'unease alarm or distress'. It does not require a rocket scientist to work out the extraordinarily subjective, discretionary predictive judgements that will be made by police in these circumstances. Are we to understand that the only acceptable demonstration is one that can barely be seen and certainly not heard!

The whole point of a public display of views is to be heard, to raise awareness, and to gather solidarity and support. It will necessarily cause some disturbance, some annoyance, some inconvenience and some unease. Change has never been effected by silence, let alone by the silent majority preferred by successive governments. Nor by >>>





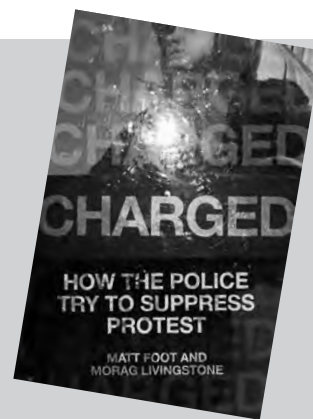
Chapter 2 Maggie's UK War: Miners run from the police, Orgreave, 18th June 1984

Patrick McCarroll, previously at Hunterston, was there on 18th June 1984 having travelled from Scotland to Orgreave. He recalls, 'We'd been down a week, staying at a gym hall in a college, 100 or so miners from all over, Wales, Scotland. The 18th was the last day – we were going back that night. There was thousands of police and banter. Then it got all serious. The lorries had left. We were in the field, near the back. There were dogs everywhere. I was chased all the way. The dogs

were barking, I ran across the railway line, away from them. I ran and ran, there was an Asda; I ran through that, there were horses chasing men through the car park. There were people hiding up trees, people trying to hide everywhere. The dogs had big, long, 30-foot leads and were chasing us, they were allowed to chase us then pulled back.' The police charges, both mounted and on foot, went on for three hours. Then after all lull, the few hundred left in the field were charged again.



'Are we to understand that the only acceptable demonstration is one that can barely be seen and certainly not heard!'



>>> the very quaint British tradition of careful containment at Speakers' Corner, Hyde Park.

The real agenda, now unashamedly writ large, is to ensure that any effective public expression is so circumscribed that not even a single voice gets much of a chance.

Fortunately, in June 2021 the Supreme Court thought differently, overturning an appeal by the director of public prosecutions, and acquitted arms fair protesters who had obstructed the highway. This finding recognised the fast-diminishing freedom of the lawful and reasonable excuse of exercising their freedom of speech and assembly under Articles 10 and 11 of the European Convention on Human Rights and had a beneficial impact on a large number of other protest cases.

In 2020 an unprecedented number of Extinction Rebellion activists were arrested in relation to climate crisis protests. In the region of 600 over five days. This was complicated by the coronavirus regulations. In coordinated actions, campaigners blocked roads and glued themselves to immovable objects as had those at the arms fair. The prosecuting authorities have a discretion not to prosecute even if an evidential threshold has been crossed if prosecution is deemed not in the public interest. But in relation to the protest cases, there is a clear determination, as demonstrated in the arms fair instance, to carry on, and many more than 600 were processed for court. However, after the Supreme Court decision, a judge at the Old Bailey, HHJ Mark Dennis QC, who had overturned some convictions following a series of appeals at the beginning of August 2021, required the prosecuting authorities to review all remaining cases involving road blockages and the defence of lawful excuse. This too is a refreshing pause in the headlong onslaught by politically driven dogma.

Given that a home secretary already has the power to authorise a ban on processions anyway, this latest legislative tool just about sews things up.

In large measure that is the story of this book. A personal story for me, having had the opportunity and the privilege to represent citizens who have suffered injustice themselves, or that of others, but nevertheless have not forsaken that need to demonstrate. The first protest case I took on concerned the death of a student on an anti-fascist march on 19 June 1974. He was a student at Warwick University. Kevin Gately was killed in Red Lion Square. The march was intended to counter the National Front, who were planning to assemble in Conway Hall in the Square to object to the amnesty for illegal immigrants. He died from a brain haemorrhage caused by a heavy blow to the head. It was not established at the inquest nor by an inquiry into the event by Lord Scarman how this came about. The Square is relatively small, and Kevin had linked arms at the front of the march. There was no suggestion that he was other than peaceful. The police had drawn truncheons and deployed officers on horseback.

Five years later in April 1979 a teacher, Blair Peach, also died on an anti-fascist demonstration, also against the National Front. He died from a blow to the head. This was

not admitted for many years, until the death of Ian Tomlinson, again from a blow to the head in 2009 from a member of the Territorial Support Group, which succeeded the Special Patrol Group. This led to the release of a police report into Blair's death, which had been compiled some years before. Essentially it was accepted that he had died at the hands of a member of the SPG.

Alongside these examples and almost at the same time, I became acutely aware of an even harder form of policing being practised in the North of Ireland. The Ballymurphy massacre in August 1971 resulted in the deaths of entirely innocent civilians shot by Paratroopers who were acting in support of the Royal Ulster Constabulary as a civil power. The findings by the coroner, Mrs Justice Keegan, in the recently held inquests into their deaths, were published in May 2021. Among the dead were a priest and a mother of eight children, both of whom went to the aid of the dying.

Six months later in January 1972, the Bogside massacre, better known as Bloody Sunday, resulted in another fourteen innocent deaths at the hands of British paratroopers, as the Saville inquiry (1998–2010) determined. More were shot and wounded helping others. This arose in response to a protest against the introduction of internment without trial. Fifteen thousand civilians attended a civil rights march and assembly organised by the Northern Ireland Civil Rights Association. The Stormont Government had placed a ban on such protests. The speakers at the rally, Lord Fenner Brockway and Mid Ulster MP Bernadette Devlin, also came under fire. Not a single soldier has so far been disciplined or prosecuted to conviction.

What became clear during the inquiry was that the nature of the policing and the tactics being practised upon the civilian population were derived from anti-insurgency measures which had played out in a colonial context. In Aden, Hong Kong, Kenya, Malaya, Bahrain, Cyprus, popular movements were viewed as a threat to established order. They were suppressed with paramilitary force. A key figure was Brigadier Frank Kitson, who authored 'low intensity' operations and was a brigade commander in Belfast between 1970 and 1972. According to General Mike Jackson, present on Bloody Sunday and a witness at the Bloody Sunday inquiry, as well as at Ballymurphy and the recent inquests, Kitson 'very much set the tone for the operational style in Belfast'.

The importance of these events has a bearing on the general development of paramilitary-style policing in the UK, particularly in relation to mass protests and demonstrations – notably the establishment of specialist police squads like the SPG and the TSG. The most dramatic exposé of this is the eyewitness testimony as well as the film shot and recorded by miners about events during the 1984 strike, which involved regular gatherings and rallies. I have used *The Battle for Orgreave* by Vanson Wardle Productions on talks and lectures, particularly at police colleges. People need to see the shocking scenes of mounted police charging into crowds of miners trapped in a field and the snatch squads, brutal truncheon assaults, >>>

>>> and the aggressive use of shields, which caused many injuries, some lifelong. Margaret Thatcher would reward police for their oppression of the miners in 1984 by her support for police who traduced Liverpool fans at Hillsborough in 1989.

In London in 1986/7 similar policing was deployed against print workers protesting in Wapping about job losses. I witnessed it first-hand as I had helped establish a legal observers' group to monitor and record police activity. We were clearly visible in yellow jackets and worked in pairs – one observing and the other recording by camera and notebook. Not that the police, especially mounted, took a blind bit of notice.

Even more insidious is the Special Demonstration Squad, which existed between 1968 and 2008. An unaccountable state within a state, undercover, using false documentation and infiltrating perfectly lawful campaign groups and families considered to be subversive. This is now the subject of a public judicial inquiry (the Undercover

Policing Inquiry, or the Pitchford Inquiry). This inquiry in turn was the product of incessant pressure applied by the family of Stephen Lawrence upon the then home secretary Theresa May, because of their belief that corruption lay at the heart of the police investigation and that there had been police infiltration into their family associations.

At the same time and in tandem with these developments has been the ever-increasing strictures on processions and assemblies via enactments and regulation.

So, it cannot possibly be believed that things have steadily been tipping in favour of the protester.

At the end of the day, it is down to us not them. I will cite Shelley's 'The Masque of Anarchy', his response to the Peterloo massacre: '*Ye are many they are few.*' It is the power of the people not the people in power that matters most.

Michael Mansfield KC, from Nexus Chambers, is President of the Haldane Society of Socialist Lawyers



Picture: James Bourne/Creative Commons

Chapter 5 The Tinder Box: Poll Tax demonstration, London, 31st March 1990

The poll tax march crossed the Thames into Westminster, making its way into Trafalgar Square. There was a carnival atmosphere, with a mixture of people who represented the wide societal range affected by the dreadful tax: trade unionists and punks walked alongside the 'respectable' middle class. At around 3pm there was a sit-down protest outside Downing Street, and within a short space of time the

whole scene had degenerated into a riot. ...

The following day, DAC Meynell had to compose a draft report on the riot for his boss, Commissioner Sir Peter Imbert; the home secretary; and the Prime Minister. Meynell was seriously hampered in being able to explain what happened at the London protest. While he had the police log of communications on police radios, there was a problem.

Pictures: © Jess Hurd



Introduction: Secrets and Lies

by Matt Foot and
Morag Livingstone

The 2020 Black Lives Matter demonstrations brought into general consciousness the notion that history is often presented through a prism. As a result of their efforts we know the true character of statues dominating public space, representing those whom some people thought we should immortalise – slaveowners. Across the UK, school curriculums changed with a wider view of black history now incorporated in lessons.

The airbrushing of history is prevalent in other areas of our society too, not least in protest. In this book we look at how the police were empowered to deal with protesters after the Brixton riots of 1981. We selected and investigated the large-scale protests that turned violent after the introduction of a new secret police manual. During this period there were other protests that were just as important for the causes they progressed; however, they either did not turn violent or were not on the same scale. Through the mass protests selected we can see how institutions have attempted to deal with separate groups of committed people protesting against racism, job losses and draconian laws, or for environmental protection.

The records from archives and libraries, academic analysis, journalists, campaigners and authors, and the generosity of eyewitnesses, have provided a wealth of information, which we have done our best to analyse and piece together. Considering these protests collectively, rather than just as individual events, widens our understanding of public order policing to reveal the true character of the state.

The book attempts to tell the conflicted history of the relationship between the police and protesters based on the information we could gather that confirms that the public face of the state differs from its private approach to protest. Through personal accounts we can better understand the impact not just on the individual but also on the ability to freely protest.

In January 1983, Willie Whitelaw, Conservative home secretary, hosted a celebration party at the Home Office. Whitelaw was a shrewd man with ‘disarming charm’ who had held a number of UK government positions under prime ministers Heath and Thatcher. He toasted the completion of a new secret manual for the policing of public disorder.

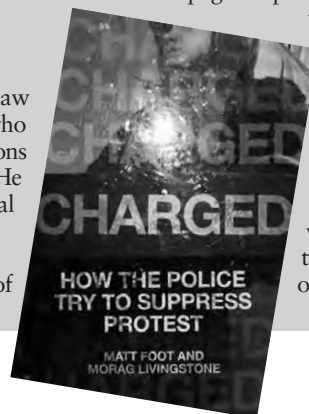
Invited guests numbering around two dozen included members of the Association of

Chief Police Officers (ACPO) and Home Office staff. Many were part of a working group seconded from police forces across England and Wales who had worked privately over months to create the manual. Whitelaw congratulated everyone there. After expressing his delight at meeting them and hearing about their work, he added: *None of us wants to see public disorder. Your aim, and my firm policy, is to see ‘normal policing’ as the preferred tactic. But the police have the duty to be capable, if necessary, of dealing with disorder firmly and effectively. You have made an important contribution to this, for which I am sure the service as a whole will be grateful. And I suggest that we now return to our conversation, and our glasses.*

The Public Order Manual of Tactical Options and Related Matters covered all forms of public disorder and was considered ‘outstanding’ work by ACPO. A Home Office official endorsed it with a note: ‘May the force be with them.’ Unprecedented military-style tactics for the policing of public order were now formally available to the police. Given the manual’s contents it was classified at the last minute – which meant only senior police officers of ACPO rank were ever officially allowed to see it.

The secret manual first came to light in 1985 at the trial of a number of miners arrested at a mass picket at Orgreave, South Yorkshire, during the miners’ strike, when thousands of police with horses and truncheons took on nearly as many miners. Assistant Chief Constable Anthony Clement, the officer responsible on the day, stated in evidence that he was following a police manual that ‘deals with all Police tactics in relation to the control of large and hostile crowds’. Michael Mansfield, a barrister for the defence, immediately sought disclosure. This was resisted but the judge directed that some pages be provided. These covered public order operational tactics available to the police and included the use of arrest squads, decoys and mounted police, and the deployment of shields and truncheons.

The contents angered Tony Benn MP, who sought an immediate debate in Parliament on the manual, which had never been discussed by MPs. Benn was highlighting that potentially unlawful police tactics had been endorsed without Parliament’s knowledge. He asserted that the manual was ‘in clear contravention of the rules that have hitherto governed the >>>





Picture: David Cheskin / PA Images / Alamy

Chapter 9 Barriers to Protest: Police reinforcements arrive by helicopter at Gleneagles at the G8 summit, 6 July 2005

Tanya Bolton recalls, ‘At that time, I was coming from much more of a “police are there to protect us” view ... We wanted to see what was happening at the front of the march so moved up. As we got closer to Gleneagles, there was a massive wire mesh fence ... then you could see this

big, long green area, like a lawn rolling gently up a hill and there was a heavy police presence. Massive police horses and riot police force [on foot]. It was quite intimidating. When I saw them ... when we got close ... I was just like, oh God, the horses were massive. Riot police all

uniformed up looking authoritarian. A shield protecting them, a helmet, and you’re stood there in your normal clothes – it really kind of wakes you up. It’s terrifying. I was thinking, “I don’t want to be here.”’ Suddenly, the double rotor of a Chinook helicopter was heard overhead.

>>> actions of police forces ... officers had been given instructions which laid them open to charges of assault’. His request was denied, but Benn won permission to place the pages in the House of Commons Library.

In the UK’s devolved police structure, responsibility for operational decisions sits with individual chief constables. In the 1980s, police forces operated at the behest of their local police authority, who held the purse strings, represented their communities and expected their police force to do the same. Gareth Peirce, a human rights solicitor, who defended a number of the miners after Orgreave, wrote following the collapse of the trial that ‘the testimony of all the police officers at the Orgreave trial indicated that, unilaterally, senior police officers have rewritten the law and are acting upon it.’

New ‘rules’ on the policing of protest in the UK were seen as necessary following riots across the UK in the early 1980s. The spread of riots in St Pauls in Bristol, Toxteth in Liverpool and Brixton in London all started following incidents of oppressive policing within the black community. The issue of what type of police force was required had reached a crossroads.

Two days after the rioting ended, Whitelaw commissioned Lord Scarman to carry out an inquiry. Lord Scarman had something of a liberal reputation as a chair of previous inquiries of disorder, although as a judge he upheld a blasphemy conviction against *Gay News*, and stopped the Greater London Council’s ‘Fares Fair’ low-cost public transport policy. Scarman’s report on the 1981 riots primarily

encouraged greater community policing. Whitelaw, having instituted the report, publicly supported Scarman’s liberal recommendations, which he described as ‘a statement of philosophy and direction for the future’.

Recently declassified documents reveal that, at the same time, the Home Office instigated the development of new military-style tactics assisted by a new hard-line leader of ACPO, Kenneth Oxford. Privately, therefore, senior Home Office officials were collaborating with senior police officers to undermine the Scarman report. This crucial shift in public order policing redefined what amounted to reasonable force by the police. It opened the door for the police to go beyond a ‘traditional method of policing’. As ACPO said, such a ‘fundamental change would inevitably lead to erosion of the current image and acceptability’ of the police service.

Whitelaw told Parliament in 1983 that the police were ‘independent officers of the Crown. That is because the powers with which we invest police officers should be exercised without fear or favour and without political interference.’ This was an extraordinary statement by a home secretary who had simultaneously endorsed a new secret police manual – an example of political interference that changed the landscape of how the police deal with protest. Home Office involvement in the manual has never been fully disclosed.

ACPO looked outside Great Britain for inspiration for the new public order policing methods. They found a presentation by the Royal Ulster Constabulary insufficient for the methods

they sought. Instead ACPO turned to colonial practices from an officer from Hong Kong, who presented the Hong Kong manual at ACPO's annual conference, and they 'took it eagerly to heart'.

The Hong Kong method of crowd control, described by its own police commissioner as 'paramilitary', was written to cover 'the arts of suppression of public disorder'. These practices provided the main inspiration for ACPO's secret police manual. The 'snatch squad' section was a direct lift of that used by the British colonial police. As Gerry Northam stated in his excellent book *Shooting in the Dark*, 'The stage was set for the most significant shift in police strategy Britain had known for a century and a half, but nothing was made public. The preparations were carried out in total secrecy.'

While ACPO were looking to colonial Hong Kong, the Home Office were also reassessing how to deal with public disorder, part of which 'might be the law itself'. In developing the common minimum national standards in public order training recommended by Scarman, they too embraced the opportunity to increase police powers.

Consideration of the expansion of training is set out in a recently declassified Home Office file from 1982. It confirms the state's belief that where there is a 'clash of wills or opposing interests' and where there are people with a 'cause' that is 'anti-establishment', then 'conflict, violence and force' will follow. It concludes in addition to a 'persuasive deterrent of lawful force there should also be ... additional police kept in the background to support the lawful force being used'. To develop this approach, they posed a question: 'Can these requirements be reasonably assured or improved within our accepted and traditional, if adjusted, concept of policing?' The Home Office appeared to be using mandarin-type language to say, can we extend police powers dramatically while pretending to deal with civil disorder in an 'accepted and traditional' manner?

The hypocrisy of Home Secretary Whitelaw publicly welcoming the Scarman report while secretly creating brutal police methods was mirrored by the senior police. Their overriding police principle was asserted by Commissioner Sir Kenneth Newman, that every constable should 'be and be seen to be, unfettered by obligation, deciding each issue without fear or favour, malice or ill-will'. This principle is incorporated in the police oath. We are constantly assured that the police are neutral and independent and that no one is above the law. However, what happened in 1983 was anything but. ACPO knew they were assisting the Conservative home secretary in a secret deal.

Newman was the most senior officer in post when the new rules were instituted. In 1968 he was part of the policing of the infamous Grosvenor Square anti-Vietnam War protest and subsequently carried out a review of that police operation. By the time he became commissioner in 1982, Newman would have knowledge of another similar secret undemocratic decision taken by the most senior police and senior politicians. In 1968 a Special Demonstration Squad (SDS) was started within the Metropolitan (Met) Police comprising twelve undercover officers who embedded themselves within the anti-war movement. From these origins the SDS morphed into the spy cops scandal that became subject to the Undercover Policing Inquiry forty years later. Both the 1983 manual and the SDS were central to how protest would be policed. While we ostensibly live in a parliamentary democracy, Parliament had no knowledge of or involvement in either of these decisions.

Lord Scarman dealt with the future policing of riot by focusing on community engagement. The manual

'The Hong Kong method of crowd control provided the main inspiration for ACPO's secret police manual.'

encompassed a much wider approach. From 1983 protesters were potentially subject to brutal tactics, in a manual that had been devised, developed and approved not solely by ACPO, as the general public have since been led to believe, but in conjunction with the Home Office privately. Once secretly sanctioned by the home secretary, what impact would new tactics have, not just on protest but on the UK police and the democratic governance of successive governments?

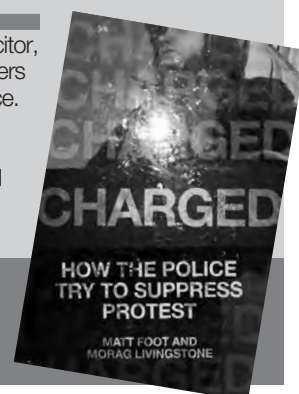
Through papers released by the National Archive, thirty years after the event, we now know that a cabal within the Home Office were aware at the time of the significance of the manual with its new 'rules'. Lord Elton, the parliamentary under-secretary of state for home affairs, was worried what would happen if 'the fact ever becomes public'. He nevertheless carried on with the process and confirmed that he and the home secretary were 'content'. Lord Elton had already scripted these words for his home secretary in case the manual came to light:

'The Home Secretary has very much in mind the operational independence of each chief officer of police; he notes the clear recognition given in the manual to their responsibility to take every possible step to avoid arriving at a position where any of the measures described in it have to be used and he is glad to see the way in which ACPO makes clear the extreme positions under which the more drastic measures open to them are to be used.'

Lord Elton appeared to be protecting the home secretary from the inevitable use of the 'drastic measures' that they had just endorsed. The protests described in this book highlight the fact that the police took their chance. Elton needed to protect the home secretary because Whitelaw had just sanctioned the Home Office and the police's creation of draconian tactics on a sliding scale that included the use of dogs, riding police horses into a static crowd, using shields and truncheons to 'incapacitate' people just for being there, using rubber baton rounds and CS gas, and driving police vehicles at a crowd. None of this had received the 'reassessment' of the law or parliamentary scrutiny that such a dramatic change to public order policing deserved.²⁰

The sinister activities in the back rooms of the Home Office in 1982-3 provided the senior police with a comfort blanket. From that point forward they knew that their new powers not only had the seal of approval from the Home Secretary, but also had been instigated by his department, no doubt for his own political ends. The police had been given licence to prioritise these powers over Scarman's recommendations for more liberal policing. This secret collaboration raised questions for the protests that followed. Had the police been let off the leash? If so, what was left for dissent? And who did this police force serve?

Matt Foot is a criminal defence solicitor, specialising in representing protesters and victims of miscarriages of justice. Morag Livingstone is an award-winning documentary filmmaker, writer, and internationally published author.



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Transformed.

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Fifty years ago this November, John Berger won the Booker Prize for his modernist bildungsroman *G*. One half of the prize money he donated to the Black Panther Movement in London. The other he used to finance *The Seventh Man*, his study of migrant workers in Western Europe. Explaining his rationale to a perturbed bourgeois audience in London, Berger speculated that before the slave trade, black and white met ‘with the amazement of potential equals’. But the moment passed, and racism became the organising principle of capitalist modernity. ‘The European carried this mentality back into his own society. It became part of his way of seeing everything’. And it could be overcome, Berger concluded, only through ‘common struggle’ – of which his act of generosity was a minor but inspiring example.

This ‘way of seeing’ altered significantly during the fragile postwar settlement. When Britannia ruled the waves, a supposedly homogenous ‘island race’ enjoyed ascendancy over the ‘darker nations’. With the advance of decolonisation, this white cultural identity was inverted. As Arun Kundnani explains, instead of conquest its focus became ‘defending against threats that had landed on British soil itself’ – specifically, the hundreds of thousands of black

and brown colonial and Commonwealth citizens (no longer subjects, as per the British Nationality Act 1948) who came to settle in Britain. The underlying sentiment was, in Richard Seymour’s summary, that ‘if “we” couldn’t rule “them”, then “they” couldn’t come here’. It was articulated vehemently in the paranoid speeches of Enoch Powell, and legislated for – first by the Conservatives, then by Labour – in the Commonwealth Immigrants Acts of 1962 and 1968. Indeed, the latter was Labour’s panicked response to Powell’s speech in Walsall warning of an imminent ‘influx’ of Kenyan Asians.

Berger’s comrade and friend Ambalavaner Sivanandan (Siva) arrived in London in the summer of 1958, fleeing anti-Tamil pogroms in post-independence Ceylon only to find anti-black riots in Notting Hill – a ‘double-baptism of fire’. As a librarian at the Institute of Race Relations (IRR) from 1964, he began incubating the ideas that would make up his seminal essay ‘Race, Class and the State’ a decade later. His analysis started from the fact that colonial underdevelopment had produced a reserve army of labour that the metropolitan economy drew on to plug postwar labour shortages. Super-exploited in menial jobs >>>

fifty years on

by Joseph Maggs

>>> and ghettoised in slum housing, the new Caribbean and Asian communities magnified existing social deprivation, but racism defined them as its cause. The government stepped in to mediate the growing conflict between the needs of capital and the social consequences of racism by introducing immigration restrictions. This institutionalised racism in the state and, by thus legitimising it, provided the breeding ground for intensified far-right activity in the seventies and eighties. And, crucially, it changed the nature of black and brown struggle in Britain, which moved 'from resistance to rebellion' and rallied around slogans such as 'here to stay, here to fight'.

Such analysis – foregrounding political economy and state practice, and drawing connections between what happens in the core and in the peripheries – may seem common sense now. But at the time, as Jenny Bourne recalls, it 'challenged a multitude of race relations shibboleths'. Indeed, it put Siva and other disgruntled junior staff members – Bourne among them – at odds with their employer and its Board of Management, an impeccably establishment array of businessmen and politicians.

Founded in 1952, the IRR was an 'independent' body whose mandate was to produce 'impartial' academic research on 'race relations' the world over. Financed by big corporations – Rockefeller, Shell, Ford and others – it studied newly independent countries to identify neocolonial business opportunities. Domestically, it lobbied Whitehall to promote the 'integration' of Caribbeans and Asians into

white society through education and toothless anti-discrimination measures. Moreover, it accepted the Labour line on immigration as encapsulated in Roy Hattersley's oft-quoted formula: 'Without integration, limitation is inexcusable; without limitation, integration is impossible'. Siva and others came to see that the IRR was, in effect, providing 'research credibility' for state racism. Instead of studying the problems of racialised communities, it implicitly presented those communities as the problem. Their experience – the view from below, from the coalface – was missing.

The distance between management and staff widened at the turn of the sixties as racism became more vicious on the street and more embedded in the state. Police routinely harassed black youth under the 'sus' laws, while schoolchildren were marginalised as 'educationally subnormal'. The Immigration Act 1971, meanwhile, consolidated the racialisation of immigration law through the concept of 'patriality'. It was also, correspondingly, a time of Black Power, militant strike action, women's liberation and anti-war protest. Revolution was in the air: 'the time was long gone,' Siva recounted later, 'to speak of the relations between races or of stemming the tide of discrimination'.

The contradictions came to a head at an Extraordinary General Meeting in April 1972, convened to determine the political direction of the organisation and its increasingly outspoken monthly magazine, *Race Today*. The staff and membership won a resounding victory, and management resigned *en masse*. In the

aftermath, corporate funding vanished and the organisation downsized, relocating from Mayfair to a leaky King's Cross basement. Yet through improvisation, community support, and the dedication of remaining staff, the IRR survived. Headed by Sivanandan, it forged ties with community and campaign groups, while the quarterly journal *RACE* – renamed *Race & Class* in 1974 – became a hub for high quality anti-racist, anti-capitalist, and anti-imperialist knowledge production, attracting the likes of Basil Davidson, Cedric Robinson, Edward Said, and Barbara Harlow to its roster. Siva put it best: 'neither grassroots nor establishment,' the IRR became a 'think-in-order-to-do-tank', 'a servicing station for oppressed peoples on their way to liberation' – a role it has continued to fulfil over the last five decades.

While never succumbing to dogma or a party line, the IRR has held fast to certain positions, which have been vindicated over time – notably, the critique of depoliticised forms of identity politics and those liberal nostrums that seek to palliate racism as bias or prejudice. It has also paid close attention to the shifting shapes, contours and impacts of racism, studying its new forms – from xeno-racism to anti-Muslim racism to reproductive racism – in relation to wider economic and political changes. In numerous reports and the ongoing *Calendar of Racism and Resistance* it continues to steadfastly monitor racial violence and deaths, highlighting emergent trends and magnifying those cases that become campaigns and causes.

On 15th October this year, the IRR convened a conference, *New Circuits of Anti-*



Left: A Sivanandan speaks at the IRR emergency general meeting in April 1972. Right: Siva pictured in the 2010s.



Fifty years on: the IRR's 'New Circuits of Anti Racism' conference, October 2022.

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**Saturday
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An IRR50 conference on racism, imperialism and new lines of resistance

Racism, to mark the fiftieth anniversary of the transformation. ‘Not a looking back but a taking stock’, Bourne emphasised in the introductory panel, before dedicating the conference to Liz Fekete, who took over the directorship from Siva a decade ago. IRR Chair Colin Prescod added: ‘we’re not here to reminisce but to recommit’. The second panel reflected on Siva’s wide-ranging legacy as a political economist, novelist and comrade. John Narayan demonstrated the contemporary relevance of Siva’s polemic against the ‘end of class’ prophets of *Marxism Today* (‘All That Melts into Air is Solid: The Hokum of New Times’) by transposing it on to contemporary proponents of the ‘end of neoliberalism’ thesis. In the same spirit, Miriyam Aouragh expanded on Siva’s ‘who you are is what you do’ maxim as a corrective to overly subjective interpretations of power in activist and campus spaces. Canadian-Tamil novelist Priya Guns gave a moving and poetic tribute to Siva’s influence as a fellow refugee from Jaffna – a reminder that his writings developed not an abstract but a ‘lived theory’, in Avery Gordon’s phrase. And Suresh Grover recalled how Siva left ‘an indelible mark on the strategy and actions’ of the Southall Monitoring Group. For those still unfamiliar, an online archive of his published writings and ephemera was launched at the conference and can be accessed here: <https://asivanandan.com/>.

‘Few political notions are at once so normative and so equivocal as internationalism’, Perry Anderson once observed. What does it mean to be a left internationalist today? The third panel was an

‘The IRR has paid close attention to the shifting shapes, contours and impacts of racism.’

attempt to take the measure of a conjuncture marked by capitalist crisis, climate instability, the decline of unipolarity, the proliferation of popular rebellions, and correspondingly heightened levels of militarisation and securitisation. In her opening remarks, Gordon, forgoing easy answers, called for ‘ongoing and nimble’ analyses of such complexities. Fekete obliged with her discussion of the Russian war on Ukraine, highlighting in particular the mystifying effects of clash of civilisations frameworks on our understanding of the dynamics of imperialism. Rafeef Ziadah cautioned us not to bend the stick too far the other way and succumb to the campists’ ‘anti-imperialism of idiots’.

Radical internationalism is far from dead: think of the Arab Spring’s impact on the European *indignados*, the BLM delegations to Palestine, or more recently, the cries of solidarity with Iranian women from Chinese protesters opposing zero-covid authoritarianism. The question is, whether these movements can reach a level of

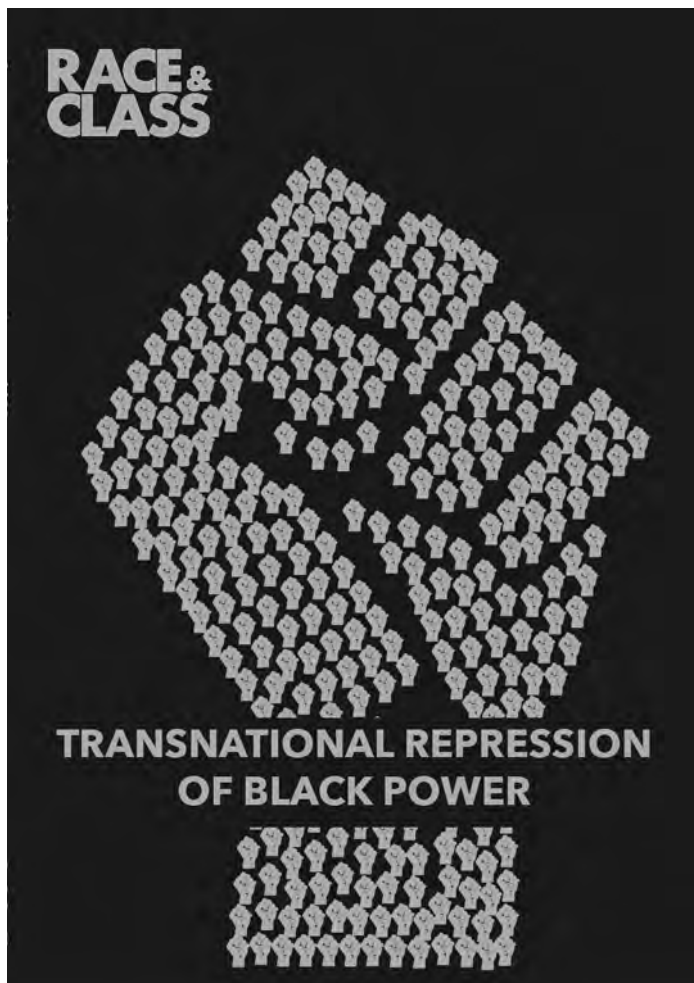
organisation, broad-based support and political maturity to take power and, as Akram Salhab argued us in his contributions, whether we can build structures and institutions to support those struggles from where we are. The establishment’s fierce reaction to Corbyn and the planned anti-BDS Bill shows how terrified the dominant powers are of such a possibility.

The fourth panel comprised a wide-ranging conversation between two black feminist writers and organisers from the United States, Barbara Ransby and Derecka Purnell. They fleshed out a robust vision of abolition grounded in an analysis of racial capitalism down to the local level. The function of mass incarceration, they argue, is to contain unruly surplus populations and incapacitate would-be Fred Hamptons. Purnell made the point that ‘just transition’ proposals are strategically vital because the prison-industrial complex is so embedded in local economies. She also stressed that abolition has always been a contested idea, and that its newfound popularity requires us to push for revolutionary interpretations to guard against co-optation. Speaking from their experiences as black working class women, Purnell and Ransby lent some nuance to left-wing critiques of identity politics. To paraphrase Ransby, experience and identity informs, though it does not determine in the last instance, one’s politics.

The final panel focused on anti-racist organising in Britain today, with several young but experienced organisers discussing their new books and the political experiences that generated them. A running theme was the need to move beyond approaches that over-rely on recognition and action by the state. This was elaborated at length by Azfar Shahi and Ilyas Nagdee, the co-authors of *Reclaiming Anti-Racism*, which details the history of state and civil society strategies to contain ‘anti-racism from below’. Shanice McBean, co-author with Aviah Sarah Day of *Abolition Revolution*, further underlined that now is the time to abandon calls for further reports on institutional and state racism and to cease over-investing in legal processes that ultimately demobilise more far-reaching calls for justice from the streets. Similar arguments have been made recently by Haldane Society members such as Nick Bano and David Renton in their critiques of left-wing legalism. Faced with a government determined to legislate our rights away, we need to prioritise creating autonomous instruments of popular power that can, in McBean’s words, ‘wrench justice back from the system’.

My brief notes on the day-long conference have not done it justice, but will hopefully encourage readers to watch the whole thing back on YouTube. Overall, it served as a retrospective on the past five decades of anti-racist organising, a contemporary balance sheet, and an attempt to grapple with oncoming challenges. ‘One epoch does not lead tidily into another’, Siva once wrote. In navigating the transition towards an anti-racism reinvigorated for present conditions and struggles, the IRR’s work is an invaluable tool. It is requesting donations to help continue its work into the future. See the advert on page 37 for more information.

Joseph Maggs is a trustee of the IRR



Death by ideology

‘One of the saddest indictments of this country I can think of’ tweeted Peter Apps, following the death of two-year-old Awaab Ishak from mould in his housing association home, ‘is that the social reforms we need are written by coroners’.

The verdict on Awaab’s death was announced just days after Apps’ chronicle of the Grenfell inquiry was published. *Show Me The Bodies* is an account of both the fire itself and the *longue durée* of its many causes. The theme of Apps’ tweet recurs throughout the book: time and again, deaths and near-misses failed to translate into reforms. Like a Chekov play, the narrative of the events that led to Grenfell keeps revealing desperate tragedies that have happened off-stage.

Apps is a specialist housing journalist who knows his trade. Grenfell and its causes are two vast and cumbersome subjects, but he manages to condense the technical material, the ensemble cast and the human drama into

pacey but sensitive prose. His grasp of industrial and policy detail is impressive, but he manages to feed it to the reader gently, like a skilled advocate appearing in front of an ignorant and bloody-minded judge.

The most useful aspect of the book is that it provides a rare insight into how government actually works (or, more accurately, fails to work). We are used to thinking about ‘government’ as something nebulous, or sometimes treating the Secretary of State as an avatar for the functions of the state, but the Grenfell inquiry shone a light into the day-to-day processes of government departments.

What is fascinating about that is that the relevant events took place during a particular moment, when the Cameron/Clegg administration was building consensus around an ideology of deregulation and austerity. Political theorists love to talk about ‘hegemony’ and ‘manufacturing consent’ but it’s remarkable to actually watch it happen. The deregulation fetishists took a short march through the institutions. Sometimes this was achieved crudely, through formal policies like the ‘red tape challenge’. But more interesting is the way in which headlines and policy statements translated into departmental ‘mood music’, and officials underwent what the online left would now call a ‘vibe shift’. They fully internalised the logic of austerity-for-business’-sake.

Even years after the fire, when the austerity programme had been widely discredited, the civil servant in charge of fire safety guidance was recusant about that ideology. Brian Martin apparently remains committed to the notion that housebuilders’ profits are essential to national economic

The Grenfell United Silent Walk on the fifth anniversary of the Grenfell fire, in June 2022, through Kensington in London.



Picture: ©Jess Hurd

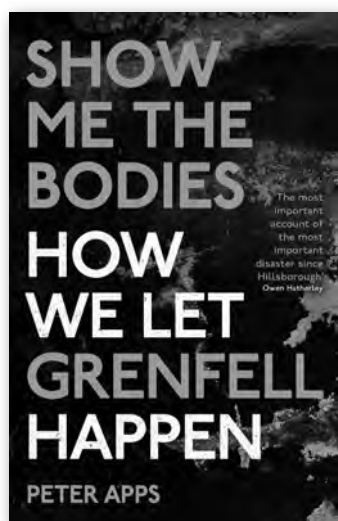
wellbeing. A contemporaneous email from Martin doubts that it would have been in ‘the best interests of UK plc’ to encourage use of sprinklers in residential buildings. He also told the inquiry itself that allowing human safety (rather than developers’ profits) to take paramount importance in guidance documents would mean ‘the country would be bankrupt. We would all starve to death’. This is a standpoint that political leaders had deliberately fostered, and it worked.

To be frank, Apps’ book is a masterclass in how bold,

‘It’s not just the internal workings of government that are exposed. The insight into industry is fascinating, too.’

ideologically-driven governments can put their politics into practice with great effect. In the case of austerity this, of course, had devastating consequences for millions, but it’s worth thinking about what it would take for a radical left-wing government to turn around the ship of the state. What would need to happen for a civil servant like Martin to sit in a witness box and put forward a totally different view of the aims and methods of the state?

It’s not just the internal workings of government that are exposed. The insight into industry is fascinating, too. We see the emails, messages and conversations of young, disengaged professionals in the cladding sector. They carry out the sort of mundane tasks that David Graeber might associate with ‘bullshit jobs’. And they treat their work with all the ennui and contempt that many anti-work leftists tend to encourage – laughing, for example, at their



Show Me The Bodies: How We Let Grenfell Happen
by Pete Apps, OneWorld Publishing, £10, released on 10th November 2022.



employers' failed or confected test results – but ultimately that workaday disengagement would lead to a mass death incident. It is Marx's theory of alienation through the division of labour tout court.

Apps refuses to collapse the narrative into simple moralism or personal blame. Even Brian Martin, who doubtless bears more responsibility than most, is treated with sensitivity. Apps asks difficult, necessary questions about chauvinism and racism in the London Fire Brigade. In fact the author has a real skill for characterisation: it's impossible not to feel, by turns, rage, bereavement, sympathy, bitterness and fear as we follow this immense cast of people.

The other benefit of the inquiry is the sheer detail of the record of events. The fire itself is such an incredibly complex story but it was recorded minute-by-minute, person-by-person, for posterity. Victor Hugo spent 19

chapters of *Les Misérables* dramatising the Battle of Waterloo, but the real events of the fire are somehow more striking: when resident Elpidio Bonifacio walks out of the building alive at 8.07am, after more than seven hours of fear, entrapment and inferno raging yards away on every side of him, the effect is deeply moving.

As someone who has followed Grenfell closely – who has tried to live up to the community's plea to 'keep Grenfell in our hearts' – what strikes me is that even the whole book does not contain the full story of the fire. It does not record some of its most tragic and gut-wrenching episodes. But it is no worse off for it. To understand what Apps calls 'the most serious crime committed on British soil this century' is a harrowing and complex task, and this is a judicious, important account.

Nick Bano Nick is a housing and homelessness lawyer

50 INSTITUTE OF RACE RELATIONS

1972-2022

Dear *Socialist Lawyer* reader

We're asking if you might wish to support the **Institute of Race Relations (IRR)**, as a chambers and/or as individuals, in what is an important year for us.

Anti-racism is under attack, with increasing authoritarianism going hand in hand with political attacks on equalities, justice and the rule of law. Political and media attacks on lawyers representing migrants and judges allowing 'human rights' appeals against deportation are part of a racialised 'war on woke' and a criminalisation of solidarity along with the destruction of asylum rights.

This year marks the 50th anniversary of the IRR's critical reorientation from managing 'race relations' to analysing state and institutional racism and providing support to grass-roots groups fighting its various manifestations, through its mandate as an educational charity. Our October conference, 'New circuits of anti-racism', and our film, *Struggling on, staying strong*, celebrated our work and looked at current challenges.

The IRR needs support to continue to develop its work as a leading anti-racist think-tank, which it has been doing for half a century on a fraction of the resources of most civil society organisations, with just four full-time staff. To meet rising running costs, stretched resources and increased challenges, it needs to increase its income.

We hope you are able to support the IRR, with a one-off donation or an annual grant or by becoming a friend of IRR, which can also be done on an individual basis with a one-off or regular donation.

With thanks

Frances Webber (vice-chair, IRR)

irr.org.uk/donate



INSTITUTE OF RACE RELATIONS

Home to **Race & Class**, **IRR News**, the **Black History Collection**, the **Register of Racism and Resistance**, plus **UK & European research** on migration, exploitation and state racism

Human cost of Britain's colonial legacy

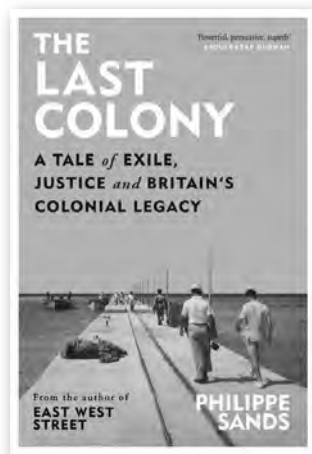
The Last Colony. A Tale of Exile, Justice and Britain's Colonial Legacy by Philippe Sands, illustrated by Martin Rowson. Published by W&N, www.weidenfeldandnicolson.co.uk/titles/philippe-sands/the-last-colony/9781474618151/

Philippe Sands' latest book recenters decolonisation as an unceasing labour of resistance and an urgent human rights issue. Most importantly, it denounces Britain's illegal occupation of the Chagos archipelago, the crime of deportation of the Chagossian people, and the continuous denial of their right of return.

Sands identifies himself as an unreliable narrator, setting off a multi-layered and polyphonic narrative that centres the Chagos case and the story of Liseby Elysé whilst allowing a wider reflection on the right to self-determination and its codification in international law.

Over the course of a long journey, from the Second World War to the present, we are led so through the corridors of the law in the High Court to secret meetings in the Atlantic. We get to meet Roosevelt tricking an egotistical Churchill into complying with the principles of self-determination; the anecdotes pile up and the descriptions of the places (the vast stain-glass windows at the Peace Palace, the basement courtroom of an historic hotel in Istanbul) contribute to deepen the sense of history as the interconnectedness of people, places and events.

The illustrations by Martin Rowson that punctuate each chapter add another dimension to the narration. We follow Madame Elysé as she navigates the historical and legal milestones that ultimately took her to the UN General Assembly. Sands diligently connects the dots as we learn that Nicaragua, the invasion of Iraq, Brexit and whaling in the



Antarctic all played a crucial role in the 2019 landmark ruling.

The last drawing shows Liseby Elysé surrounded by family and friends, finally in Chagos.

Hope is pivotal throughout the narrative even when it is weaponised against the hopeful. We are informed that Britain's secret plans to detach Chagos were achieved by 'frightening Mauritius with hope' in their independence negotiations. Nevertheless, hope for justice and human rights sustained the government of Mauritius and the Chagossian delegation in what

had seemed a hopeless and long journey to The Hague.

Madame Elysé's statement in The Hague, in Patois, on behalf of the Chagossians, is a crucial step in the decolonisation of the master narrative, one that bridges the gap of representation and sovereignty over the story of the individual. Madame Elysé tells the judges about her genealogy, 'I was born on 24th July 1953 in Peros Banhos. My father was born in Six Iles. My mother was born in Peros Banhos. My grandparents were also born there'. She describes the landscape and life on the island. Her voice can finally recover a sense of time, place and identity that colonisation had disavowed. She speaks about the horrors of deportation, the heartbreak and tears of being uprooted. She insists upon the right to return.

Eradication of the native population and implantation of new settlements are conjointly used to draw the imperial map; Madame Elysé's testimony directly challenges the colonial fiction that Chagos had 'no permanent inhabitants'.

The undisputed territorial continuity between Mauritius and Chagos is formally recognised by the UN who changed the map of the world to reflect this. UN bodies and organisations are slowly acknowledging Mauritius' sovereignty over Chagos, and Britain maintains its position of denial and ignores the International Court of Justice advisory opinion. Sands remains hopeful, his faith resting on the course of law and on the commitment of the Chagossians in their right of return. Britain's



The illustrations by Martin Rowson that punctuate each chapter of Sands' book add another dimension to the narration.

increasing international isolation post-Brexit, although reinvigorating its 'colonial instinct' on the one hand, may, on the other, pressure it to relent in favour of the Chagossians.

In the meantime, through their resistance, the diaspora actualise the principle of territorial integrity stipulated in Resolution 1514. Sands reports Madame Elysé's account of her first visit back to Perros Banhos in 2006, during one of the unashamedly titled 'heritage visits' granted by the English government. Around one hundred Chagossians travelled to the islands, and the journey is described as a pilgrimage to pay homage to their ancestors and to the dead, both those who are buried there and those who died at sea during deportation. Through

'Sands remains hopeful, his faith resting on the course of law and on the commitment of the Chagossians in their right of return.'

the cleaning of churches and graves, the group recovered a sense of community, exercising shared rituals in connection with their native land. Madame Elysé's words throughout the text relate to the equal importance of living and dying on her island, in a story of continuity and belonging.

The Last Colony similarly restores a sense of resistance inherent in storytelling. The reflexive quality of the narration allows for fruitful contamination between literature and the law. We are reminded that there are rules and frameworks to tell a story in court and that facts need to be presented with simple clarity so as to persuade judges. We are also made aware that the make-up of courts influences legal decisions and that the law can be

used retroactively to justify the outcome. As Sands instructs, 'every act and every written word is capable of having consequences'.

The voices of the Chagossians and the real consequences of any legal or extralegal decision that permeate this story provide an essential human dimension to the apparatus of the law and one that should never be overlooked.

Michela Trentin

Do you have an idea for an article, long or short? A news piece, a casenote, a review of a book, TV series, film, music or exhibition? Get in touch. Email us at socialistlawyer@haldane.org

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